

AMENDED IN ASSEMBLY SEPTEMBER 1, 2015

AMENDED IN ASSEMBLY JULY 9, 2015

AMENDED IN SENATE JUNE 2, 2015

SENATE BILL

No. 794

**Introduced by Committee on Human Services (Senators McGuire
(Chair), Berryhill, Hancock, Liu, and Nguyen)**

March 3, 2015

An act to amend Section 7950 of the Family Code, to add Section 1522.44 to the Health and Safety Code, to amend Sections 11165.1 and 11166 of the Penal Code, and to amend Sections 309, 362.04, 362.05, 362.1, 366, ~~366.1~~, 366.21, 366.22, 366.25, 366.26, 366.3, 366.31, 706.5, 706.6, 727.2, 727.3, 10618.6, 11386, 16002, 16003, 16118, 16131, 16131.5, *16501*, and 16501.1 of, and to add Sections 16501.4, 16501.45, and 16519.51 to, the Welfare and Institutions Code, relating to child welfare.

LEGISLATIVE COUNSEL'S DIGEST

SB 794, as amended, Committee on Human Services. Child welfare services.

(1) Existing law establishes a system of statewide child welfare services, administered by the State Department of Social Services and county child welfare agencies, with the intent that all children are entitled to be safe and free from abuse and neglect.

This bill would require county child welfare ~~agencies~~, *agencies and probation departments*, by September ~~30~~, 29, 2016, to ~~develop and~~ implement policies and procedures to identify, document, and determine appropriate services for children and youth who are receiving child welfare services pursuant to federal law and are, or are at risk of

becoming, victims of commercial sexual exploitation. The bill would also require county child welfare agencies, ~~by July 1, 2016, agencies and probation departments~~ to develop and implement specific protocols to expeditiously locate any child missing from foster care, as specified. By imposing these requirements on county agencies, this bill would impose a state-mandated local program.

(2) Under existing law, a county social worker develops a case plan that, among other things, identifies the child welfare services that will be provided to a minor or nonminor dependent. Existing law requires the county child welfare agency to give the child a meaningful opportunity to participate in the development of the case plan.

This bill would require county child welfare agencies to develop case plans for youth 14 years of age or older and nonminor dependents in consultation with the youth, and would authorize each youth to choose up to 2 members of the case planning team, as specified. The bill would require that case plans for these youth include a description of specified rights and entitlements, as well as an acknowledgment signed by each youth that he or she was provided with this information. The bill would also require the case plan for a child or nonminor dependent who is, or who is at risk of becoming, the victim of commercial sexual exploitation, to document the services provided to address that issue. By imposing these case planning requirements on county child welfare agencies, this bill would impose a state-mandated local program.

(3) Existing law requires a caregiver of a dependent child to use a reasonable and prudent parent standard in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities.

This bill would require that training for various categories of caregivers include knowledge and skills relating to the reasonable and prudent parent standard for participation in age or developmentally appropriate activities. The bill would also require each licensed community care facility that provides care and supervision to children, except licensed foster family homes and certified family homes, to designate at least one onsite staff member to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities. To the extent this bill would impose foster parent training requirements on counties, the bill would impose a state-mandated local program.

(4) Existing law requires a county welfare department, county probation department, or the State Department of Social Services to

annually obtain a credit report, as specified, for a child in foster care who is 16 years of age or older.

This bill would require that these services be provided to a child in foster care who is 14 years of age or older. By increasing the level of service provided by counties, the bill would impose a state-mandated local program.

(5) Existing law requires the State Department of Social Services to implement a statewide Child Welfare Services/Case Management System to effectively administer and evaluate the state's child welfare services and foster care programs.

This bill would require the department to ensure that the Child Welfare Services/Case Management System is capable of collecting specified information relating to the number of foster children who are, or are at risk of becoming, victims of commercial sexual exploitation.

(6) The Child Abuse and Neglect Reporting Act makes certain persons mandated reporters, and requires those persons to report to a police department, sheriff's department, county probation department, or the county welfare department whenever he or she knows or reasonably suspects that a child has been the victim of child abuse or neglect, as specified. Existing law requires the county probation or welfare department to immediately, or as soon as practicably possible, report to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases of child abuse and neglect, and to the district attorney's office every known or suspected instance of child abuse or neglect.

This bill would additionally require the county probation or welfare department to immediately, or in no case later than 24 hours from receipt of the information, report to the law enforcement agency having jurisdiction over the case any known or suspected instance of child abuse involving an allegation of *commercial* sexual exploitation, as defined, of a child or youth receiving child welfare services. The bill would also require the county probation or welfare department to make a report to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children within 24 hours of becoming aware that a child or youth who is receiving child welfare services and who is known or suspected to be the victim of *commercial* sexual exploitation is missing or has been abducted. By increasing the duties of county probation and welfare departments, this bill would impose a state-mandated local program.

(7) Existing law establishes the Adoption Assistance Program for the purpose of benefiting children residing in foster homes by providing the stability and security of permanent homes. Existing law requires that any savings realized from the change in federal funding for adoption assistance resulting from the enactment of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 be spent for the provision of foster care and adoption services.

This bill would require that at least 30% of that savings be spent on postadoption services, postguardianship services, and services to support and sustain positive permanent outcomes for children who might enter foster care, as specified.

(8) The Kinship Guardianship Assistance Payment ~~for Children~~ (Kin-GAP) Program provides financial assistance to children who are eligible for foster care maintenance payments and are placed in legal guardianship with a relative. Under existing law, termination of the guardianship terminates eligibility for Kin-GAP, unless an alternate kinship guardian or coguardian is appointed, as provided.

This bill would instead provide that if a successor kinship guardian is appointed, the successor guardian is entitled to receive Kin-GAP on behalf of the child if the reason for the appointment is the death or incapacity of the kinship guardian and the successor guardian is named in the kinship guardianship assistance agreement.

(9) Existing federal law, the Adoption and Safe Families Act of 1997, among other provisions, establishes a permanent placement option for older children as an alternative to long-term foster care, referred to in the act as “another planned permanent living arrangement” (APPLA). Existing law declares the intent of the Legislature to conform state law to the federal act, as specified.

This bill would revise various provisions relating to foster care and the placement of dependent children and wards of the juvenile court, to delete references to long-term foster care and instead to provide a minor 16 years of age and older, under certain circumstances, with another planned permanent living arrangement, as prescribed. The bill would require the court conducting the permanency hearing to make specified findings in this regard. The bill also would impose additional requirements on the county social worker or probation officer preparing the case ~~plan~~, *plan and the social study required for children and nonminor dependents placed in another planned permanent living arrangement, as defined.* By imposing new duties on county social

workers and probation officers, the bill would impose a state-mandated local program.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7950 of the Family Code is amended to
2 read:

3 7950. (a) With full consideration for the proximity of the
4 natural parents to the placement so as to facilitate visitation and
5 family reunification, when a placement in foster care is being
6 made, the following considerations shall be used:

7 (1) Placement shall, if possible, be made in the home of a
8 relative, unless the placement would not be in the best interest of
9 the child. Diligent efforts shall be made by an agency or entity to
10 which this subdivision applies, to locate an appropriate relative,
11 as defined in paragraph (2) of subdivision (f) of Section 319 of the
12 Welfare and Institutions Code. ~~Before any child may be placed in~~
13 ~~foster care,~~ *At any permanency hearing in which the court*
14 *terminates reunification services, or at any postpermanency*
15 *hearing for a child not placed for adoption,* the court shall find
16 that the agency or entity to which this subdivision applies has made
17 diligent efforts to locate an appropriate relative and that each
18 relative whose name has been submitted to the agency or entity as
19 a possible caretaker, either by himself or herself or by other
20 persons, has been evaluated as an appropriate placement resource.

21 (2) No agency or entity that receives any state assistance and is
22 involved in foster care placements may do either of the following:

23 (A) Deny to any person the opportunity to become a foster
24 parent on the basis of the race, color, or national origin of the
25 person or the child involved.

26 (B) Delay or deny the placement of a child into foster care on
27 the basis of the race, color, or national origin of the foster parent
28 or the child involved.

1 (b) Subdivision (a) shall not be construed to affect the
2 application of the Indian Child Welfare Act of 1978 (25 U.S.C.
3 Sec. 1901 and following); *et seq.*).

4 (c) Nothing in this section precludes a search for an appropriate
5 relative being conducted simultaneously with a search for a foster
6 family.

7 SEC. 2. Section 1522.44 is added to the Health and Safety
8 Code, to read:

9 1522.44. (a) It is the policy of the state that caregivers of
10 children in foster care possess knowledge and skills relating to the
11 reasonable and prudent parent standard, as defined in subdivision
12 (c) of Section 362.05 of the Welfare and Institutions Code.

13 (b) Except for licensed foster family homes and certified family
14 homes, each licensed community care facility that provides care
15 and supervision to children and operates with staff shall designate
16 at least one onsite staff member to apply the reasonable and prudent
17 parent standard to decisions involving the participation of a child
18 who is placed in the facility in age or developmentally appropriate
19 activities in accordance with the requirements of Section 362.05
20 of the Welfare and Institutions Code, Section 671(a)(10) of Title
21 42 of the United States Code, and the regulations adopted by the
22 department pursuant to this chapter.

23 (c) A licensed and certified foster parent or facility staff member,
24 as described in subdivision (b), shall receive training related to the
25 reasonable and prudent parent standard that is consistent with
26 Section 671(a)(24) of Title 42 of the United States Code. This
27 training shall include knowledge and skills relating to the
28 reasonable and prudent parent standard for the participation of the
29 child in age or developmentally appropriate activities, including
30 knowledge and skills relating to the developmental stages of the
31 cognitive, emotional, physical, and behavioral capacities of a child,
32 and knowledge and skills relating to applying the standard to
33 decisions such as whether to allow the child to engage in
34 extracurricular, enrichment, cultural, and social activities, including
35 sports, field trips, and overnight activities lasting one or more days,
36 and to decisions involving the signing of permission slips and
37 arranging of transportation for the child to and from extracurricular,
38 enrichment, and social activities.

(d) This section does not apply to runaway and homeless youth shelters as defined in paragraph (14) of subdivision (a) of Section 1502.

SEC. 3. Section 11165.1 of the Penal Code is amended to read:

11165.1. As used in this article, “sexual abuse” means sexual assault or sexual exploitation as defined by the following:

(a) “Sexual assault” means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), Section 264.1 (rape in concert), Section 285 (incest), Section 286 (sodomy), subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 (lewd or lascivious acts upon a child), Section 288a (oral copulation), Section 289 (sexual penetration), or Section 647.6 (child molestation).

(b) Conduct described as “sexual assault” includes, but is not limited to, all of the following:

(1) Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.

(2) Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(3) Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that, it does not include acts performed for a valid medical purpose.

(4) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.

(5) The intentional masturbation of the perpetrator’s genitals in the presence of a child.

(c) “Sexual exploitation” refers to any of the following:

(1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).

(2) A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

(3) A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3.

~~(4)~~

(d) "Commercial sexual exploitation" refers to either of the following:

(1) The sexual trafficking of a child, as described in subdivision (c) of Section 236.1.

(2) The provision of food, shelter, or payment to a child in exchange for the performance of any sexual act described in this section or subdivision (c) of Section 236.1.

SEC. 4. Section 11166 of the Penal Code is amended to read:

11166. (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged

1 documentary evidence the mandated reporter possesses relating
2 to the incident.

3 (1) For purposes of this article, “reasonable suspicion” means
4 that it is objectively reasonable for a person to entertain a suspicion,
5 based upon facts that could cause a reasonable person in a like
6 position, drawing, when appropriate, on his or her training and
7 experience, to suspect child abuse or neglect. “Reasonable
8 suspicion” does not require certainty that child abuse or neglect
9 has occurred nor does it require a specific medical indication of
10 child abuse or neglect; any “reasonable suspicion” is sufficient.
11 For purposes of this article, the pregnancy of a minor does not, in
12 and of itself, constitute a basis for a reasonable suspicion of sexual
13 abuse.

14 (2) The agency shall be notified and a report shall be prepared
15 and sent, faxed, or electronically transmitted even if the child has
16 expired, regardless of whether or not the possible abuse was a
17 factor contributing to the death, and even if suspected child abuse
18 was discovered during an autopsy.

19 (3) A report made by a mandated reporter pursuant to this
20 section shall be known as a mandated report.

21 (b) If, after reasonable efforts, a mandated reporter is unable to
22 submit an initial report by telephone, he or she shall immediately
23 or as soon as is practicably possible, by fax or electronic
24 transmission, make a one-time automated written report on the
25 form prescribed by the Department of Justice, and shall also be
26 available to respond to a telephone followup call by the agency
27 with which he or she filed the report. A mandated reporter who
28 files a one-time automated written report because he or she was
29 unable to submit an initial report by telephone is not required to
30 submit a written followup report.

31 (1) The one-time automated written report form prescribed by
32 the Department of Justice shall be clearly identifiable so that it is
33 not mistaken for a standard written followup report. In addition,
34 the automated one-time report shall contain a section that allows
35 the mandated reporter to state the reason the initial telephone call
36 was not able to be completed. The reason for the submission of
37 the one-time automated written report in lieu of the procedure
38 prescribed in subdivision (a) shall be captured in the Child Welfare
39 Services/Case Management System (CWS/CMS). The department
40 shall work with stakeholders to modify reporting forms and the

1 CWS/CMS as is necessary to accommodate the changes enacted
2 by these provisions.

3 (2) This subdivision shall not become operative until the
4 CWS/CMS is updated to capture the information prescribed in this
5 subdivision.

6 (3) This subdivision shall become inoperative three years after
7 this subdivision becomes operative or on January 1, 2009,
8 whichever occurs first.

9 (4) On the inoperative date of these provisions, a report shall
10 be submitted to the counties and the Legislature by the State
11 Department of Social Services that reflects the data collected from
12 automated one-time reports indicating the reasons stated as to why
13 the automated one-time report was filed in lieu of the initial
14 telephone report.

15 (5) Nothing in this section shall supersede the requirement that
16 a mandated reporter first attempt to make a report via telephone,
17 or that agencies specified in Section 11165.9 accept reports from
18 mandated reporters and other persons as required.

19 (c) A mandated reporter who fails to report an incident of known
20 or reasonably suspected child abuse or neglect as required by this
21 section is guilty of a misdemeanor punishable by up to six months
22 confinement in a county jail or by a fine of one thousand dollars
23 (\$1,000) or by both that imprisonment and fine. If a mandated
24 reporter intentionally conceals his or her failure to report an
25 incident known by the mandated reporter to be abuse or severe
26 neglect under this section, the failure to report is a continuing
27 offense until an agency specified in Section 11165.9 discovers the
28 offense.

29 (d) (1) A clergy member who acquires knowledge or a
30 reasonable suspicion of child abuse or neglect during a penitential
31 communication is not subject to subdivision (a). For the purposes
32 of this subdivision, "penitential communication" means a
33 communication, intended to be in confidence, including, but not
34 limited to, a sacramental confession, made to a clergy member
35 who, in the course of the discipline or practice of his or her church,
36 denomination, or organization, is authorized or accustomed to hear
37 those communications, and under the discipline, tenets, customs,
38 or practices of his or her church, denomination, or organization,
39 has a duty to keep those communications secret.

1 (2) Nothing in this subdivision shall be construed to modify or
2 limit a clergy member's duty to report known or suspected child
3 abuse or neglect when the clergy member is acting in some other
4 capacity that would otherwise make the clergy member a mandated
5 reporter.

6 (3) (A) On or before January 1, 2004, a clergy member or any
7 custodian of records for the clergy member may report to an agency
8 specified in Section 11165.9 that the clergy member or any
9 custodian of records for the clergy member, prior to January 1,
10 1997, in his or her professional capacity or within the scope of his
11 or her employment, other than during a penitential communication,
12 acquired knowledge or had a reasonable suspicion that a child had
13 been the victim of sexual abuse and that the clergy member or any
14 custodian of records for the clergy member did not previously
15 report the abuse to an agency specified in Section 11165.9. The
16 provisions of Section 11172 shall apply to all reports made pursuant
17 to this paragraph.

18 (B) This paragraph shall apply even if the victim of the known
19 or suspected abuse has reached the age of majority by the time the
20 required report is made.

21 (C) The local law enforcement agency shall have jurisdiction
22 to investigate any report of child abuse made pursuant to this
23 paragraph even if the report is made after the victim has reached
24 the age of majority.

25 (e) (1) A commercial film, photographic print, or image
26 processor who has knowledge of or observes, within the scope of
27 his or her professional capacity or employment, any film,
28 photograph, videotape, negative, slide, or any representation of
29 information, data, or an image, including, but not limited to, any
30 film, filmstrip, photograph, negative, slide, photocopy, videotape,
31 video laser disc, computer hardware, computer software, computer
32 floppy disk, data storage medium, CD-ROM, computer-generated
33 equipment, or computer-generated image depicting a child under
34 16 years of age engaged in an act of sexual conduct, shall,
35 immediately or as soon as practicably possible, telephonically
36 report the instance of suspected abuse to the law enforcement
37 agency located in the county in which the images are seen. Within
38 36 hours of receiving the information concerning the incident, the
39 reporter shall prepare and send, fax, or electronically transmit a

1 written followup report of the incident with a copy of the image
2 or material attached.

3 (2) A commercial computer technician who has knowledge of
4 or observes, within the scope of his or her professional capacity
5 or employment, any representation of information, data, or an
6 image, including, but not limited to, any computer hardware,
7 computer software, computer file, computer floppy disk, data
8 storage medium, CD-ROM, computer-generated equipment, or
9 computer-generated image that is retrievable in perceivable form
10 and that is intentionally saved, transmitted, or organized on an
11 electronic medium, depicting a child under 16 years of age engaged
12 in an act of sexual conduct, shall immediately, or as soon as
13 practicably possible, telephonically report the instance of suspected
14 abuse to the law enforcement agency located in the county in which
15 the images or materials are seen. As soon as practicably possible
16 after receiving the information concerning the incident, the reporter
17 shall prepare and send, fax, or electronically transmit a written
18 followup report of the incident with a brief description of the
19 images or materials.

20 (3) For purposes of this article, “commercial computer
21 technician” includes an employee designated by an employer to
22 receive reports pursuant to an established reporting process
23 authorized by subparagraph (B) of paragraph (43) of subdivision
24 (a) of Section 11165.7.

25 (4) As used in this subdivision, “electronic medium” includes,
26 but is not limited to, a recording, CD-ROM, magnetic disk memory,
27 magnetic tape memory, CD, DVD, thumbdrive, or any other
28 computer hardware or media.

29 (5) As used in this subdivision, “sexual conduct” means any of
30 the following:

31 (A) Sexual intercourse, including genital-genital, oral-genital,
32 anal-genital, or oral-anal, whether between persons of the same or
33 opposite sex or between humans and animals.

34 (B) Penetration of the vagina or rectum by any object.

35 (C) Masturbation for the purpose of sexual stimulation of the
36 viewer.

37 (D) Sadomasochistic abuse for the purpose of sexual stimulation
38 of the viewer.

39 (E) Exhibition of the genitals, pubic, or rectal areas of a person
40 for the purpose of sexual stimulation of the viewer.

1 (f) Any mandated reporter who knows or reasonably suspects
2 that the home or institution in which a child resides is unsuitable
3 for the child because of abuse or neglect of the child shall bring
4 the condition to the attention of the agency to which, and at the
5 same time as, he or she makes a report of the abuse or neglect
6 pursuant to subdivision (a).

7 (g) Any other person who has knowledge of or observes a child
8 whom he or she knows or reasonably suspects has been a victim
9 of child abuse or neglect may report the known or suspected
10 instance of child abuse or neglect to an agency specified in Section
11 11165.9. For purposes of this section, “any other person” includes
12 a mandated reporter who acts in his or her private capacity and
13 not in his or her professional capacity or within the scope of his
14 or her employment.

15 (h) When two or more persons, who are required to report,
16 jointly have knowledge of a known or suspected instance of child
17 abuse or neglect, and when there is agreement among them, the
18 telephone report may be made by a member of the team selected
19 by mutual agreement and a single report may be made and signed
20 by the selected member of the reporting team. Any member who
21 has knowledge that the member designated to report has failed to
22 do so shall thereafter make the report.

23 (i) (1) The reporting duties under this section are individual,
24 and no supervisor or administrator may impede or inhibit the
25 reporting duties, and no person making a report shall be subject
26 to any sanction for making the report. However, internal procedures
27 to facilitate reporting and apprise supervisors and administrators
28 of reports may be established provided that they are not inconsistent
29 with this article.

30 (2) The internal procedures shall not require any employee
31 required to make reports pursuant to this article to disclose his or
32 her identity to the employer.

33 (3) Reporting the information regarding a case of possible child
34 abuse or neglect to an employer, supervisor, school principal,
35 school counselor, coworker, or other person shall not be a substitute
36 for making a mandated report to an agency specified in Section
37 11165.9.

38 (j) (1) A county probation or welfare department shall
39 immediately, or as soon as practicably possible, report by
40 telephone, fax, or electronic transmission to the law enforcement

1 agency having jurisdiction over the case, to the agency given the
2 responsibility for investigation of cases under Section 300 of the
3 Welfare and Institutions Code, and to the district attorney's office
4 every known or suspected instance of child abuse or neglect, as
5 defined in Section 11165.6, except acts or omissions coming within
6 subdivision (b) of Section 11165.2, or reports made pursuant to
7 Section 11165.13 based on risk to a child that relates solely to the
8 inability of the parent to provide the child with regular care due
9 to the parent's substance abuse, which shall be reported only to
10 the county welfare or probation department. A county probation
11 or welfare department also shall send, fax, or electronically transmit
12 a written report thereof within 36 hours of receiving the information
13 concerning the incident to any agency to which it makes a
14 telephone report under this subdivision.

15 (2) A county probation or welfare department shall immediately,
16 and in no case in more than 24 hours, report to the law enforcement
17 agency having jurisdiction over the case after receiving information
18 that a child or youth who is receiving child welfare services has
19 been identified as the victim of commercial sexual exploitation,
20 as defined in *subdivision (d) of Section 11165.1*.

21 (3) When a child or youth who is receiving child welfare
22 services and who is reasonably believed to be the victim of, or is
23 at risk of being the victim of, *commercial* sexual exploitation, as
24 defined in Section 11165.1, is missing or has been abducted, the
25 county probation or welfare department shall immediately, or in
26 no case later than 24 hours from receipt of the information, report
27 the incident to the appropriate law enforcement authority for entry
28 into the National Crime Information Center database of the Federal
29 Bureau of Investigation and to the National Center for Missing
30 and Exploited Children.

31 (k) A law enforcement agency shall immediately, or as soon as
32 practicably possible, report by telephone, fax, or electronic
33 transmission to the agency given responsibility for investigation
34 of cases under Section 300 of the Welfare and Institutions Code
35 and to the district attorney's office every known or suspected
36 instance of child abuse or neglect reported to it, except acts or
37 omissions coming within subdivision (b) of Section 11165.2, which
38 shall be reported only to the county welfare or probation
39 department. A law enforcement agency shall report to the county
40 welfare or probation department every known or suspected instance

1 of child abuse or neglect reported to it which is alleged to have
2 occurred as a result of the action of a person responsible for the
3 child's welfare, or as the result of the failure of a person responsible
4 for the child's welfare to adequately protect the minor from abuse
5 when the person responsible for the child's welfare knew or
6 reasonably should have known that the minor was in danger of
7 abuse. A law enforcement agency also shall send, fax, or
8 electronically transmit a written report thereof within 36 hours of
9 receiving the information concerning the incident to any agency
10 to which it makes a telephone report under this subdivision.

11 SEC. 5. Section 309 of the Welfare and Institutions Code is
12 amended to read:

13 309. (a) Upon delivery to the social worker of a child who has
14 been taken into temporary custody under this article, the social
15 worker shall immediately investigate the circumstances of the child
16 and the facts surrounding the child's being taken into custody and
17 attempt to maintain the child with the child's family through the
18 provision of services. The social worker shall immediately release
19 the child to the custody of the child's parent, guardian, or
20 responsible relative, regardless of the parent's, guardian's, or
21 relative's immigration status, unless one or more of the following
22 conditions exist:

23 (1) The child has no parent, guardian, or responsible relative;
24 or the child's parent, guardian, or responsible relative is not willing
25 to provide care for the child.

26 (2) Continued detention of the child is a matter of immediate
27 and urgent necessity for the protection of the child and there are
28 no reasonable means by which the child can be protected in his or
29 her home or the home of a responsible relative.

30 (3) There is substantial evidence that a parent, guardian, or
31 custodian of the child is likely to flee the jurisdiction of the court.

32 (4) The child has left a placement in which he or she was placed
33 by the juvenile court.

34 (5) The parent or other person having lawful custody of the
35 child voluntarily surrendered physical custody of the child pursuant
36 to Section 1255.7 of the Health and Safety Code and did not
37 reclaim the child within the 14-day period specified in subdivision
38 (e) of that section.

39 (b) In any case in which there is reasonable cause for believing
40 that a child who is under the care of a physician and surgeon or a

1 hospital, clinic, or other medical facility and cannot be immediately
2 moved and is a person described in Section 300, the child shall be
3 deemed to have been taken into temporary custody and delivered
4 to the social worker for the purposes of this chapter while the child
5 is at the office of the physician and surgeon or the medical facility.

6 (c) If the child is not released to his or her parent or guardian,
7 the child shall be deemed detained for purposes of this chapter.

8 (d) (1) If an able and willing relative, as defined in Section 319,
9 or an able and willing nonrelative extended family member, as
10 defined in Section 362.7, is available and requests temporary
11 placement of the child pending the detention hearing, or after the
12 detention hearing and pending the dispositional hearing conducted
13 pursuant to Section 358, the county welfare department shall
14 initiate an assessment of the relative's or nonrelative extended
15 family member's suitability, which shall include an in-home
16 inspection to assess the safety of the home and the ability of the
17 relative or nonrelative extended family member to care for the
18 child's needs, and a consideration of the results of a criminal
19 records check conducted pursuant to subdivision (a) of Section
20 16504.5 and a check of allegations of prior child abuse or neglect
21 concerning the relative or nonrelative extended family member
22 and other adults in the home. A relative's identification card from
23 a foreign consulate or foreign passport shall be considered a valid
24 form of identification for conducting a criminal records check and
25 fingerprint clearance check under this subdivision. Upon
26 completion of this assessment, the child may be placed in the
27 assessed home. For purposes of this paragraph, and except for the
28 criminal records check conducted pursuant to subdivision (a) of
29 Section 16504.5, the standards used to determine suitability shall
30 be the same standards set forth in the regulations for the licensing
31 of foster family homes.

32 (2) Immediately following the placement of a child in the home
33 of a relative or a nonrelative extended family member, the county
34 welfare department shall evaluate and approve or deny the home
35 for purposes of AFDC-FC eligibility pursuant to Section 11402.
36 The standards used to evaluate and grant or deny approval of the
37 home of the relative and of the home of a nonrelative extended
38 family member, as described in Section 362.7, shall be the same
39 standards set forth in regulations for the licensing of foster family
40 homes which prescribe standards of safety and sanitation for the

1 physical plant and standards for basic personal care, supervision,
2 and services provided by the caregiver.

3 (3) To the extent allowed by federal law, as a condition of
4 receiving funding under Title IV-E of the federal Social Security
5 Act (42 U.S.C. Sec. 670 et seq.), if a relative or nonrelative
6 extended family member meets all other conditions for approval,
7 except for the receipt of the Federal Bureau of Investigation's
8 criminal history information for the relative or nonrelative extended
9 family member, and other adults in the home, as indicated, the
10 county welfare department may approve the home and document
11 that approval, if the relative or nonrelative extended family
12 member, and each adult in the home, has signed and submitted a
13 statement that he or she has never been convicted of a crime in the
14 United States, other than a traffic infraction as defined in paragraph
15 (1) of subdivision (a) of Section 42001 of the Vehicle Code. If,
16 after the approval has been granted, the department determines
17 that the relative or nonrelative extended family member or other
18 adult in the home has a criminal record, the approval may be
19 terminated.

20 (4) If the criminal records check indicates that the person has
21 been convicted of a crime for which the Director of Social Services
22 cannot grant an exemption under Section 1522 of the Health and
23 Safety Code, the child shall not be placed in the home. If the
24 criminal records check indicates that the person has been convicted
25 of a crime for which the Director of Social Services may grant an
26 exemption under Section 1522 of the Health and Safety Code, the
27 child shall not be placed in the home unless a criminal records
28 exemption has been granted by the county based on substantial
29 and convincing evidence to support a reasonable belief that the
30 person with the criminal conviction is of such good character as
31 to justify the placement and not present a risk of harm to the child.

32 (e) (1) If the child is removed, the social worker shall conduct,
33 within 30 days, an investigation in order to identify and locate all
34 grandparents, parents of a sibling of the child, if the parent has
35 legal custody of the sibling, adult siblings, and other adult relatives
36 of the child, as defined in paragraph (2) of subdivision (f) of
37 Section 319, including any other adult relatives suggested by the
38 parents. As used in this section, "sibling" means a person related
39 to the identified child by blood, adoption, or affinity through a
40 common legal or biological parent. The social worker shall provide

1 to all adult relatives who are located, except when that relative's
2 history of family or domestic violence makes notification
3 inappropriate, within 30 days of removal of the child, written
4 notification and shall also, whenever appropriate, provide oral
5 notification, in person or by telephone, of all the following
6 information:

7 (A) The child has been removed from the custody of his or her
8 parent or parents, or his or her guardians.

9 (B) An explanation of the various options to participate in the
10 care and placement of the child and support for the child's family,
11 including any options that may be lost by failing to respond. The
12 notice shall provide information about providing care for the child
13 while the family receives reunification services with the goal of
14 returning the child to the parent or guardian, how to become a
15 foster family home or approved relative or nonrelative extended
16 family member as defined in Section 362.7, and additional services
17 and support that are available in out-of-home placements. The
18 notice shall also include information regarding the Kin-GAP
19 Program (Article 4.5 (commencing with Section 11360) of Chapter
20 2 of Part 3 of Division 9), the CalWORKs program for approved
21 relative caregivers (Chapter 2 (commencing with Section 11200)
22 of Part 3 of Division 9), adoption, and adoption assistance (Chapter
23 2.1 (commencing with Section 16115) of Part 4 of Division 9), as
24 well as other options for contact with the child, including, but not
25 limited to, visitation. The State Department of Social Services, in
26 consultation with the County Welfare Directors Association of
27 California and other interested stakeholders, shall develop the
28 written notice.

29 (2) The social worker shall also provide the adult relatives
30 notified pursuant to paragraph (1) with a relative information form
31 to provide information to the social worker and the court regarding
32 the needs of the child. The form shall include a provision whereby
33 the relative may request the permission of the court to address the
34 court, if the relative so chooses. The Judicial Council, in
35 consultation with the State Department of Social Services and the
36 County Welfare Directors Association of California, shall develop
37 the form.

38 (3) The social worker shall use due diligence in investigating
39 the names and locations of the relatives pursuant to paragraph (1),
40 including, but not limited to, asking the child in an age-appropriate

1 manner about relatives important to the child, consistent with the
2 child's best interest, and obtaining information regarding the
3 location of the child's adult relatives. Each county welfare
4 department shall create and make public a procedure by which
5 relatives of a child who has been removed from his or her parents
6 or guardians may identify themselves to the county welfare
7 department and be provided with the notices required by paragraphs
8 (1) and (2).

9 SEC. 6. Section 362.04 of the Welfare and Institutions Code
10 is amended to read:

11 362.04. (a) For purposes of this section:

12 (1) "Caregiver" means any licensed certified foster parent,
13 approved relative caregiver, or approved nonrelative extended
14 family member, or approved resource family.

15 (2) "Reasonable and prudent parent" or "reasonable and prudent
16 parent standard" has the meaning set forth in subdivision (c) of
17 Section 362.05.

18 (3) "Short term" means no more than 24 consecutive hours.

19 (b) Every caregiver may arrange for occasional short-term
20 babysitting of their foster child and allow individuals to supervise
21 the foster child for the purposes set forth in Section 362.05, or on
22 occasions, including, but not limited to, when the foster parent has
23 a medical or other health care appointment, grocery or other
24 shopping, personal grooming appointments, special occasions for
25 the foster parents, foster parent training classes, school-related
26 meetings (such as parent-teacher conferences), business meetings,
27 adult social gatherings, or an occasional evening out by the foster
28 parent.

29 (c) Caregivers shall use a reasonable and prudent parent standard
30 in determining and selecting appropriate babysitters for occasional
31 short-term use.

32 (d) The caregiver shall endeavor to provide the babysitter with
33 the following information before leaving the child for purposes of
34 short-term care:

35 (1) Information about the child's emotional, behavioral, medical,
36 or physical conditions, if any, necessary to provide care for the
37 child during the time the foster child is being supervised by the
38 babysitter.

1 (2) Any medication that should be administered to the foster
2 child during the time the foster child is being supervised by the
3 babysitter.

4 (3) Emergency contact information that is valid during the time
5 the foster child is being supervised by the babysitter.

6 (e) Babysitters selected by the caregiver to provide occasional
7 short-term care to a foster child under the provisions of this section
8 shall be exempt from any department regulation requiring health
9 screening or cardiopulmonary resuscitation certification or training.

10 (f) Each state and local entity shall ensure that private agencies
11 that provide foster care services to dependent children have policies
12 consistent with this section. Policies that are not consistent with
13 this section include those that are incompatible with, contradictory
14 to, or more restrictive than this section.

15 SEC. 7. Section 362.05 of the Welfare and Institutions Code
16 is amended to read:

17 362.05. (a) (1) Every child adjudged a dependent child of the
18 juvenile court shall be entitled to participate in age-appropriate
19 extracurricular, enrichment, and social activities. No state or local
20 regulation or policy may prevent, or create barriers to, participation
21 in those activities. Each state and local entity shall ensure that
22 private agencies that provide foster care services to dependent
23 children have policies consistent with this section and that those
24 agencies promote and protect the ability of dependent children to
25 participate in age-appropriate extracurricular, enrichment, and
26 social activities. A group home administrator, a facility manager,
27 or his or her responsible designee, and a caregiver, as defined in
28 paragraph (1) of subdivision (a) of Section 362.04, shall use a
29 reasonable and prudent parent standard in determining whether to
30 give permission for a child residing in foster care to participate in
31 extracurricular, enrichment, and social activities. A group home
32 administrator, a facility manager, or his or her responsible designee,
33 and a caregiver shall take reasonable steps to determine the
34 appropriateness of the activity in consideration of the child's age,
35 maturity, and developmental level.

36 (2) Training for caregivers shall include knowledge and skills
37 relating to the reasonable and prudent parent standard for the
38 participation of the child in age or developmentally appropriate
39 activities, consistent with this section and Section 671(a)(24) of
40 Title 42 of the United States Code.

1 (b) A group home administrator or a facility manager, or his or
2 her responsible designee, is encouraged to consult with social work
3 or treatment staff members who are most familiar with the child
4 at the group home in applying and using the reasonable and prudent
5 parent standard.

6 (c) (1) “Reasonable and prudent parent” or “reasonable and
7 prudent parent standard” means the standard characterized by
8 careful and sensible parental decisions that maintain the health,
9 safety, and best interests of a child while at the same time
10 encouraging the emotional and developmental growth of the child,
11 that a caregiver shall use when determining whether to allow a
12 child in foster care under the responsibility of the state to
13 participate in age or developmentally appropriate extracurricular,
14 enrichment, cultural, and social activities.

15 (2) The term “age or developmentally appropriate” means both
16 of the following:

17 (A) Activities or items that are generally accepted as suitable
18 for children of the same chronological age or level of maturity or
19 that are determined to be developmentally appropriate for a child,
20 based on the development of cognitive, emotional, physical, and
21 behavioral capacities that are typical for an age or age group.

22 (B) In the case of a specific child, activities or items that are
23 suitable for the child based on the developmental stages attained
24 by the child with respect to the cognitive, emotional, physical, and
25 behavioral capacities of the child.

26 SEC. 8. Section 362.1 of the Welfare and Institutions Code is
27 amended to read:

28 362.1. (a) In order to maintain ties between the parent or
29 guardian and any siblings and the child, and to provide information
30 relevant to deciding if, and when, to return a child to the custody
31 of his or her parent or guardian, or to encourage or suspend sibling
32 interaction, any order placing a child in foster care, and ordering
33 reunification services, shall provide as follows:

34 (1) (A) Subject to subparagraph (B), for visitation between the
35 parent or guardian and the child. Visitation shall be as frequent as
36 possible, consistent with the well-being of the child.

37 (B) No visitation order shall jeopardize the safety of the child.
38 To protect the safety of the child, the court may keep the child’s
39 address confidential. If the parent of the child has been convicted
40 of murder in the first degree, as defined in Section 189 of the Penal

1 Code, and the victim of the murder was the other parent of the
2 child, the court shall order visitation between the child and the
3 parent only if that order would be consistent with Section 3030 of
4 the Family Code.

5 (2) Pursuant to subdivision (b) of Section 16002, for visitation
6 between the child and any siblings, unless the court finds by clear
7 and convincing evidence that sibling interaction is contrary to the
8 safety or well-being of either child.

9 (3) Pursuant to subdivision (c) of Section 16002, for review of
10 the reasons for any suspension of sibling interaction at each
11 periodic review hearing pursuant to Section 366, and for a
12 requirement that, in order for a suspension to continue, the court
13 shall make a renewed finding that sibling interaction is contrary
14 to the safety or well-being of either child.

15 (4) If the child is a teen parent who has custody of his or her
16 child and that child is not a dependent of the court pursuant to this
17 chapter, for visitation among the teen parent, the child's
18 noncustodial parent, and appropriate family members, unless the
19 court finds by clear and convincing evidence that visitation would
20 be detrimental to the teen parent.

21 (b) When reunification services are not ordered pursuant to
22 Section 361.5, the child's plan for legal permanency shall include
23 consideration of the existence of and the relationship with any
24 sibling pursuant to Section 16002, including their impact on
25 placement and visitation.

26 (c) As used in this section, "sibling" means a person related to
27 the identified child by blood, adoption, or affinity through a
28 common legal or biological parent.

29 SEC. 9. Section 366 of the Welfare and Institutions Code is
30 amended to read:

31 366. (a) (1) The status of every dependent child in foster care
32 shall be reviewed periodically as determined by the court but no
33 less frequently than once every six months, as calculated from the
34 date of the original dispositional hearing, until the hearing
35 described in Section 366.26 is completed. The court shall consider
36 the safety of the child and shall determine all of the following:

37 (A) The continuing necessity for and appropriateness of the
38 placement.

39 (B) The extent of the agency's compliance with the case plan
40 in making reasonable efforts, or, in the case of a child 16 years of

1 age or older with a permanent plan other than return home, legal
2 adoption, or placement with a fit and willing relative, *another*
3 *planned permanent living arrangement*, the ongoing and intensive
4 efforts, or, in the case of an Indian child, active efforts as described
5 in Section 361.7, to return the child to a safe home and to complete
6 any steps necessary to finalize the permanent placement of the
7 child, including efforts to maintain relationships between a child
8 who is 10 years of age or older and who has been in an out-of-home
9 placement for six months or longer, and individuals other than the
10 child's siblings who are important to the child, consistent with the
11 child's best interests.

12 (C) Whether there should be any limitation on the right of the
13 parent or guardian to make educational decisions or developmental
14 services decisions for the child. That limitation shall be specifically
15 addressed in the court order and may not exceed those necessary
16 to protect the child. Whenever the court specifically limits the right
17 of the parent or guardian to make educational decisions or
18 developmental services decisions for the child, the court shall at
19 the same time appoint a responsible adult to make educational
20 decisions or developmental services decisions for the child pursuant
21 to Section 361.

22 (D) (i) Whether the child has other siblings under the court's
23 jurisdiction, and, if any siblings exist, all of the following:

24 (I) The nature of the relationship between the child and his or
25 her siblings.

26 (II) The appropriateness of developing or maintaining the sibling
27 relationships pursuant to Section 16002.

28 (III) If the siblings are not placed together in the same home,
29 why the siblings are not placed together and what efforts are being
30 made to place the siblings together, or why those efforts are not
31 appropriate.

32 (IV) If the siblings are not placed together, all of the following:

33 (ia) The frequency and nature of the visits between the siblings.

34 (ib) If there are visits between the siblings, whether the visits
35 are supervised or unsupervised. If the visits are supervised, a
36 discussion of the reasons why the visits are supervised, and what
37 needs to be accomplished in order for the visits to be unsupervised.

38 (ic) If there are visits between the siblings, a description of the
39 location and length of the visits.

40 (id) Any plan to increase visitation between the siblings.

1 (V) The impact of the sibling relationships on the child's
2 placement and planning for legal permanence.

3 (VI) The continuing need to suspend sibling interaction, if
4 applicable, pursuant to subdivision (c) of Section 16002.

5 (ii) The factors the court may consider in making a determination
6 regarding the nature of the child's sibling relationships may
7 include, but are not limited to, whether the siblings were raised
8 together in the same home, whether the siblings have shared
9 significant common experiences or have existing close and strong
10 bonds, whether either sibling expresses a desire to visit or live with
11 his or her sibling, as applicable, and whether ongoing contact is
12 in the child's best emotional interests.

13 (E) The extent of progress that has been made toward alleviating
14 or mitigating the causes necessitating placement in foster care.

15 (F) If the review hearing is the last review hearing to be held
16 before the child attains 18 years of age, the court shall conduct the
17 hearing pursuant to Section 366.31 or 366.32.

18 (2) The court shall project a likely date by which the child may
19 be returned to and safely maintained in the home or placed for
20 adoption, *tribal customary adoption in the case of an Indian child*,
21 legal guardianship, placed with a fit and willing relative, or in
22 another planned permanent living arrangement.

23 (b) Subsequent to the hearing, periodic reviews of each child
24 in foster care shall be conducted pursuant to the requirements of
25 Sections 366.3 and 16503.

26 (c) If the child has been placed out of state, each review
27 described in subdivision (a) and any reviews conducted pursuant
28 to Sections 366.3 and 16503 shall also address whether the
29 out-of-state placement continues to be the most appropriate
30 placement selection and in the best interests of the child.

31 (d) (1) A review described in subdivision (a) and any reviews
32 conducted pursuant to Sections 366.3 and 16503 shall not result
33 in a placement of a child outside the United States prior to a judicial
34 finding that the placement is in the best interest of the child, except
35 as required by federal law or treaty.

36 (2) The party or agency requesting placement of the child outside
37 the United States shall carry the burden of proof and must show,
38 by clear and convincing evidence, that a placement outside the
39 United States is in the best interest of the child.

1 (3) In determining the best interest of the child, the court shall
2 consider, but not be limited to, the following factors:

3 (A) Placement with a relative.

4 (B) Placement of siblings in the same home.

5 (C) Amount and nature of any contact between the child and
6 the potential guardian or caretaker.

7 (D) Physical and medical needs of the dependent child.

8 (E) Psychological and emotional needs of the dependent child.

9 (F) Social, cultural, and educational needs of the dependent
10 child.

11 (G) Specific desires of any dependent child who is 12 years of
12 age or older.

13 (4) If the court finds that a placement outside the United States
14 is, by clear and convincing evidence, in the best interest of the
15 child, the court may issue an order authorizing the social worker
16 or placing agency to make a placement outside the United States.
17 A child subject to this subdivision shall not leave the United States
18 prior to the issuance of the order described in this paragraph.

19 (5) For purposes of this subdivision, “outside the United States”
20 shall not include the lands of any federally recognized American
21 Indian tribe or Alaskan Natives.

22 (6) This section shall not apply to the placement of a dependent
23 child with a parent.

24 (e) A child may not be placed in an out-of-state group home,
25 or remain in an out-of-state group home, unless the group home
26 is in compliance with Section 7911.1 of the Family Code.

27 (f) The status review of every nonminor dependent, as defined
28 in subdivision (v) of Section 11400, shall be conducted pursuant
29 to the requirements of Sections 366.3, 366.31, or 366.32, and 16503
30 until dependency jurisdiction is terminated pursuant to Section
31 391.

32 ~~SEC. 10. Section 366.1 of the Welfare and Institutions Code~~
33 ~~is amended to read:~~

34 ~~366.1. Each supplemental report required to be filed pursuant~~
35 ~~to Section 366 shall include, but not be limited to, a factual~~
36 ~~discussion of each of the following subjects:~~

37 ~~(a) Whether the county welfare department social worker has~~
38 ~~considered either of the following:~~

39 ~~(1) Child protective services, as defined in Chapter 5~~
40 ~~(commencing with Section 16500) of Part 4 of Division 9, as a~~

1 possible solution to the problems at hand, and has offered those
2 services to qualified parents, if appropriate under the circumstances.

3 (2) Whether the child can be returned to the custody of his or
4 her parent who is enrolled in a certified substance abuse treatment
5 facility that allows a dependent child to reside with his or her
6 parent.

7 (b) What plan, if any, for the return and maintenance of the
8 child in a safe home is recommended to the court by the county
9 welfare department social worker.

10 (c) Whether the subject child appears to be a person who is
11 eligible to be considered for further court action to free the child
12 from parental custody and control.

13 (d) What actions, if any, have been taken by the parent to correct
14 the problems that caused the child to be made a dependent child
15 of the court.

16 (e) If the parent or guardian is unwilling or unable to participate
17 in making an educational decision for his or her child, or if other
18 circumstances exist that compromise the ability of the parent or
19 guardian to make educational decisions for the child, the county
20 welfare department or social worker shall consider whether the
21 right of the parent or guardian to make educational decisions for
22 the child should be limited. If the supplemental report makes that
23 recommendation, the report shall identify whether there is a
24 responsible adult available to make educational decisions for the
25 child pursuant to Section 361.

26 (f) (1) Whether the child has any siblings under the court's
27 jurisdiction, and, if any siblings exist, all of the following:

28 (A) The nature of the relationship between the child and his or
29 her siblings.

30 (B) The appropriateness of developing or maintaining the sibling
31 relationships pursuant to Section 16002.

32 (C) If the siblings are not placed together in the same home,
33 why the siblings are not placed together and what efforts are being
34 made to place the siblings together, or why those efforts are not
35 appropriate.

36 (D) If the siblings are not placed together, all of the following:

37 (i) The frequency and nature of the visits between the siblings.

38 (ii) If there are visits between the siblings, whether the visits
39 are supervised or unsupervised. If the visits are supervised, a

1 discussion of the reasons why the visits are supervised, and what
2 needs to be accomplished in order for the visits to be unsupervised.

3 (iii) If there are visits between the siblings, a description of the
4 location and length of the visits.

5 (iv) Any plan to increase visitation between the siblings.

6 (E) The impact of the sibling relationships on the child's
7 placement and planning for legal permanence.

8 (2) The factual discussion shall include a discussion of indicators
9 of the nature of the child's sibling relationships, including, but not
10 limited to, whether the siblings were raised together in the same
11 home, whether the siblings have shared significant common
12 experiences or have existing close and strong bonds, whether either
13 sibling expresses a desire to visit or live with his or her sibling, as
14 applicable, and whether ongoing contact is in the child's best
15 emotional interests.

16 (g) Whether a child who is 10 years of age or older and who
17 has been in an out-of-home placement for six months or longer
18 has relationships with individuals other than the child's siblings
19 that are important to the child, consistent with the child's best
20 interests, and actions taken to maintain those relationships. The
21 social worker shall ask every child who is 10 years of age or older
22 and who has been in an out-of-home placement for six months or
23 longer to identify any individuals other than the child's siblings
24 who are important to the child, consistent with the child's best
25 interest. The social worker may ask any other child to provide that
26 information, as appropriate.

27 (h) (1) When the child is 16 years of age or older and is in a
28 planned permanent living arrangement other than return home,
29 adoption, legal guardianship, or placement with a fit and willing
30 relative, a description of all of the following:

31 (A) The intensive and ongoing efforts to return the child to the
32 home of the parent, place the child for adoption, or establish a
33 legal guardianship, as appropriate.

34 (B) The steps taken to do both of the following:

35 (i) Ensure that the child's care provider is following the
36 reasonable and prudent parent standard.

37 (ii) Ascertain whether the child has regular, ongoing
38 opportunities to engage in age or developmentally appropriate
39 activities, including consulting with the child about opportunities
40 for the child to participate in the activities.

~~(2) When the child is under 16 years of age and has a permanent plan of return home, adoption, legal guardianship, or placement with a fit and willing relative, any barriers to achieving the permanent plan and the efforts made by the agency to address those barriers.~~

~~SEC. 11.~~

SEC. 10. Section 366.21 of the Welfare and Institutions Code is amended to read:

366.21. (a) Every hearing conducted by the juvenile court reviewing the status of a dependent child shall be placed on the appearance calendar. The court shall advise all persons present at the hearing of the date of the future hearing and of their right to be present and represented by counsel.

(b) Except as provided in Sections 294 and 295, notice of the hearing shall be provided pursuant to Section 293.

(c) At least 10 calendar days prior to the hearing, the social worker shall file a supplemental report with the court regarding the services provided or offered to the parent or legal guardian to enable him or her to assume custody and the efforts made to achieve legal permanence for the child if efforts to reunify fail, including, but not limited to, efforts to maintain relationships between a child who is 10 years of age or older and has been in out-of-home placement for six months or longer and individuals who are important to the child, consistent with the child's best interests; the progress made; and, where relevant, the prognosis for return of the child to the physical custody of his or her parent or legal guardian; and shall make his or her recommendation for disposition. If the child is a member of a sibling group described in subparagraph (C) of paragraph (1) of subdivision (a) of Section 361.5, the report and recommendation may also take into account those factors described in subdivision (e) relating to the child's sibling group. If the recommendation is not to return the child to a parent or legal guardian, the report shall specify why the return of the child would be detrimental to the child. The social worker shall provide the parent or legal guardian, counsel for the child, and any court-appointed child advocate with a copy of the report, including his or her recommendation for disposition, at least 10 calendar days prior to the hearing. In the case of a child removed from the physical custody of his or her parent or legal guardian, the social worker shall, at least 10 calendar days prior to the

1 hearing, provide a summary of his or her recommendation for
2 disposition to any foster parents, relative caregivers, and certified
3 foster parents who have been approved for adoption by the State
4 Department of Social Services when it is acting as an adoption
5 agency or by a county adoption agency, community care facility,
6 or foster family agency having the physical custody of the child.
7 The social worker shall include a copy of the Judicial Council
8 Caregiver Information Form (JV-290) with the summary of
9 recommendations to the child's foster parents, relative caregivers,
10 or foster parents approved for adoption, in the caregiver's primary
11 language when available, along with information on how to file
12 the form with the court.

13 (d) Prior to any hearing involving a child in the physical custody
14 of a community care facility or a foster family agency that may
15 result in the return of the child to the physical custody of his or
16 her parent or legal guardian, or in adoption or the creation of a
17 legal guardianship, or in the case of an Indian child, in consultation
18 with the child's tribe, tribal customary adoption, the facility or
19 agency shall file with the court a report, or a Judicial Council
20 Caregiver Information Form (JV-290), containing its
21 recommendation for disposition. Prior to the hearing involving a
22 child in the physical custody of a foster parent, a relative caregiver,
23 or a certified foster parent who has been approved for adoption by
24 the State Department of Social Services when it is acting as an
25 adoption agency or by a county adoption agency, the foster parent,
26 relative caregiver, or the certified foster parent who has been
27 approved for adoption by the State Department of Social Services
28 when it is acting as an adoption agency or by a county adoption
29 agency, may file with the court a report containing his or her
30 recommendation for disposition. The court shall consider the report
31 and recommendation filed pursuant to this subdivision prior to
32 determining any disposition.

33 (e) (1) At the review hearing held six months after the initial
34 dispositional hearing, but no later than 12 months after the date
35 the child entered foster care as determined in Section 361.49,
36 whichever occurs earlier, after considering the admissible and
37 relevant evidence, the court shall order the return of the child to
38 the physical custody of his or her parent or legal guardian unless
39 the court finds, by a preponderance of the evidence, that the return
40 of the child to his or her parent or legal guardian would create a

1 substantial risk of detriment to the safety, protection, or physical
2 or emotional well-being of the child. The social worker shall have
3 the burden of establishing that detriment. At the hearing, the court
4 shall consider the criminal history, obtained pursuant to paragraph
5 (1) of subdivision (f) of Section 16504.5, of the parent or legal
6 guardian subsequent to the child's removal to the extent that the
7 criminal record is substantially related to the welfare of the child
8 or the parent's or guardian's ability to exercise custody and control
9 regarding his or her child, provided the parent or legal guardian
10 agreed to submit fingerprint images to obtain criminal history
11 information as part of the case plan. The court shall also consider
12 whether the child can be returned to the custody of his or her parent
13 who is enrolled in a certified substance abuse treatment facility
14 that allows a dependent child to reside with his or her parent. The
15 fact that the parent is enrolled in a certified substance abuse
16 treatment facility shall not be, for that reason alone, prima facie
17 evidence of detriment. The failure of the parent or legal guardian
18 to participate regularly and make substantive progress in
19 court-ordered treatment programs shall be prima facie evidence
20 that return would be detrimental. In making its determination, the
21 court shall review and consider the social worker's report and
22 recommendations and the report and recommendations of any child
23 advocate appointed pursuant to Section 356.5; and shall consider
24 the efforts or progress, or both, demonstrated by the parent or legal
25 guardian and the extent to which he or she availed himself or
26 herself to services provided, taking into account the particular
27 barriers to an incarcerated, institutionalized, detained, or deported
28 parent's or legal guardian's access to those court-mandated services
29 and ability to maintain contact with his or her child.

30 (2) Regardless of whether the child is returned to a parent or
31 legal guardian, the court shall specify the factual basis for its
32 conclusion that the return would be detrimental or would not be
33 detrimental. The court also shall make appropriate findings
34 pursuant to subdivision (a) of Section 366; and, where relevant,
35 shall order any additional services reasonably believed to facilitate
36 the return of the child to the custody of his or her parent or legal
37 guardian. The court shall also inform the parent or legal guardian
38 that if the child cannot be returned home by the 12-month
39 permanency hearing, a proceeding pursuant to Section 366.26 may
40 be instituted. This section does not apply in a case where, pursuant

1 to Section 361.5, the court has ordered that reunification services
2 shall not be provided.

3 (3) If the child was under three years of age on the date of the
4 initial removal, or is a member of a sibling group described in
5 subparagraph (C) of paragraph (1) of subdivision (a) of Section
6 361.5, and the court finds by clear and convincing evidence that
7 the parent failed to participate regularly and make substantive
8 progress in a court-ordered treatment plan, the court may schedule
9 a hearing pursuant to Section 366.26 within 120 days. If, however,
10 the court finds there is a substantial probability that the child, who
11 was under three years of age on the date of initial removal or is a
12 member of a sibling group described in subparagraph (C) of
13 paragraph (1) of subdivision (a) of Section 361.5, may be returned
14 to his or her parent or legal guardian within six months or that
15 reasonable services have not been provided, the court shall continue
16 the case to the 12-month permanency hearing.

17 (4) For the purpose of placing and maintaining a sibling group
18 together in a permanent home, the court, in making its
19 determination to schedule a hearing pursuant to Section 366.26
20 for some or all members of a sibling group, as described in
21 subparagraph (C) of paragraph (1) of subdivision (a) of Section
22 361.5, shall review and consider the social worker's report and
23 recommendations. Factors the report shall address, and the court
24 shall consider, may include, but need not be limited to, whether
25 the sibling group was removed from parental care as a group, the
26 closeness and strength of the sibling bond, the ages of the siblings,
27 the appropriateness of maintaining the sibling group together, the
28 detriment to the child if sibling ties are not maintained, the
29 likelihood of finding a permanent home for the sibling group,
30 whether the sibling group is currently placed together in a
31 preadoptive home or has a concurrent plan goal of legal
32 permanency in the same home, the wishes of each child whose
33 age and physical and emotional condition permits a meaningful
34 response, and the best interests of each child in the sibling group.
35 The court shall specify the factual basis for its finding that it is in
36 the best interests of each child to schedule a hearing pursuant to
37 Section 366.26 within 120 days for some or all of the members of
38 the sibling group.

39 (5) If the child was removed initially under subdivision (g) of
40 Section 300 and the court finds by clear and convincing evidence

1 that the whereabouts of the parent are still unknown, or the parent
2 has failed to contact and visit the child, the court may schedule a
3 hearing pursuant to Section 366.26 within 120 days. The court
4 shall take into account any particular barriers to a parent's ability
5 to maintain contact with his or her child due to the parent's
6 incarceration, institutionalization, detention by the United States
7 Department of Homeland Security, or deportation. If the court
8 finds by clear and convincing evidence that the parent has been
9 convicted of a felony indicating parental unfitness, the court may
10 schedule a hearing pursuant to Section 366.26 within 120 days.

11 (6) If the child had been placed under court supervision with a
12 previously noncustodial parent pursuant to Section 361.2, the court
13 shall determine whether supervision is still necessary. The court
14 may terminate supervision and transfer permanent custody to that
15 parent, as provided for by paragraph (1) of subdivision (b) of
16 Section 361.2.

17 (7) In all other cases, the court shall direct that any reunification
18 services previously ordered shall continue to be offered to the
19 parent or legal guardian pursuant to the time periods set forth in
20 subdivision (a) of Section 361.5, provided that the court may
21 modify the terms and conditions of those services.

22 (8) If the child is not returned to his or her parent or legal
23 guardian, the court shall determine whether reasonable services
24 that were designed to aid the parent or legal guardian in
25 overcoming the problems that led to the initial removal and the
26 continued custody of the child have been provided or offered to
27 the parent or legal guardian. The court shall order that those
28 services be initiated, continued, or terminated.

29 (f) (1) The permanency hearing shall be held no later than 12
30 months after the date the child entered foster care, as that date is
31 determined pursuant to Section 361.49. At the permanency hearing,
32 the court shall determine the permanent plan for the child, which
33 shall include a determination of whether the child will be returned
34 to the child's home and, if so, when, within the time limits of
35 subdivision (a) of Section 361.5. After considering the relevant
36 and admissible evidence, the court shall order the return of the
37 child to the physical custody of his or her parent or legal guardian
38 unless the court finds, by a preponderance of the evidence, that
39 the return of the child to his or her parent or legal guardian would
40 create a substantial risk of detriment to the safety, protection, or

1 physical or emotional well-being of the child. The social worker
2 shall have the burden of establishing that detriment.

3 (A) At the permanency hearing, the court shall consider the
4 criminal history, obtained pursuant to paragraph (1) of subdivision
5 (f) of Section 16504.5, of the parent or legal guardian subsequent
6 to the child's removal to the extent that the criminal record is
7 substantially related to the welfare of the child or the parent's or
8 legal guardian's ability to exercise custody and control regarding
9 his or her child, provided that the parent or legal guardian agreed
10 to submit fingerprint images to obtain criminal history information
11 as part of the case plan. The court shall also determine whether
12 reasonable services that were designed to aid the parent or legal
13 guardian to overcome the problems that led to the initial removal
14 and continued custody of the child have been provided or offered
15 to the parent or legal guardian.

16 ~~(B) For each youth 16 years of age and older, the court shall~~
17 ~~also determine whether services have been made available to assist~~
18 ~~him or her in making the transition from foster care to successful~~
19 ~~adulthood.~~ The court shall also consider whether the child can be
20 returned to the custody of his or her parent who is enrolled in a
21 certified substance abuse treatment facility that allows a dependent
22 child to reside with his or her parent. The fact that the parent is
23 enrolled in a certified substance abuse treatment facility shall not
24 be, for that reason alone, prima facie evidence of detriment. The
25 failure of the parent or legal guardian to participate regularly and
26 make substantive progress in court-ordered treatment programs
27 shall be prima facie evidence that return would be detrimental.

28 (C) In making its determination, the court shall review and
29 consider the social worker's report and recommendations and the
30 report and recommendations of any child advocate appointed
31 pursuant to Section 356.5, shall consider the efforts or progress,
32 or both, demonstrated by the parent or legal guardian and the extent
33 to which he or she availed himself or herself of services provided,
34 taking into account the particular barriers to an incarcerated,
35 institutionalized, detained, or deported parent's or legal guardian's
36 access to those court-mandated services and ability to maintain
37 contact with his or her child, and shall make appropriate findings
38 pursuant to subdivision (a) of Section 366.

39 *(D) For each youth 16 years of age and older, the court shall*
40 *also determine whether services have been made available to assist*

1 *him or her in making the transition from foster care to successful*
2 *adulthood.*

3 (2) Regardless of whether the child is returned to his or her
4 parent or legal guardian, the court shall specify the factual basis
5 for its decision. If the child is not returned to a parent or legal
6 guardian, the court shall specify the factual basis for its conclusion
7 that the return would be detrimental. The court also shall make a
8 finding pursuant to subdivision (a) of Section 366. If the child is
9 not returned to his or her parent or legal guardian, the court shall
10 consider, and state for the record, in-state and out-of-state
11 placement options. If the child is placed out of the state, the court
12 shall make a determination whether the out-of-state placement
13 continues to be appropriate and in the best interests of the child.

14 (g) If the time period in which the court-ordered services were
15 provided has met or exceeded the time period set forth in
16 subparagraph (A), (B), or (C) of paragraph (1) of subdivision (a)
17 of Section 361.5, as appropriate, and a child is not returned to the
18 custody of a parent or legal guardian at the permanency hearing
19 held pursuant to subdivision (f), the court shall do one of the
20 following:

21 (1) Continue the case for up to six months for a permanency
22 review hearing, provided that the hearing shall occur within 18
23 months of the date the child was originally taken from the physical
24 custody of his or her parent or legal guardian. The court shall
25 continue the case only if it finds that there is a substantial
26 probability that the child will be returned to the physical custody
27 of his or her parent or legal guardian and safely maintained in the
28 home within the extended period of time or that reasonable services
29 have not been provided to the parent or legal guardian. For the
30 purposes of this section, in order to find a substantial probability
31 that the child will be returned to the physical custody of his or her
32 parent or legal guardian and safely maintained in the home within
33 the extended period of time, the court shall be required to find all
34 of the following:

35 (A) That the parent or legal guardian has consistently and
36 regularly contacted and visited with the child.

37 (B) That the parent or legal guardian has made significant
38 progress in resolving problems that led to the child's removal from
39 the home.

1 (C) The parent or legal guardian has demonstrated the capacity
2 and ability both to complete the objectives of his or her treatment
3 plan and to provide for the child's safety, protection, physical and
4 emotional well-being, and special needs.

5 (i) For purposes of this subdivision, the court's decision to
6 continue the case based on a finding or substantial probability that
7 the child will be returned to the physical custody of his or her
8 parent or legal guardian is a compelling reason for determining
9 that a hearing held pursuant to Section 366.26 is not in the best
10 interests of the child.

11 (ii) The court shall inform the parent or legal guardian that if
12 the child cannot be returned home by the next permanency review
13 hearing, a proceeding pursuant to Section 366.26 may be instituted.
14 The court shall not order that a hearing pursuant to Section 366.26
15 be held unless there is clear and convincing evidence that
16 reasonable services have been provided or offered to the parent or
17 legal guardian.

18 (2) Continue the case for up to six months for a permanency
19 review hearing, provided that the hearing shall occur within 18
20 months of the date the child was originally taken from the physical
21 custody of his or her parent or legal guardian, if the parent has
22 been arrested and issued an immigration hold, detained by the
23 United States Department of Homeland Security, or deported to
24 his or her country of origin, and the court determines either that
25 there is a substantial probability that the child will be returned to
26 the physical custody of his or her parent or legal guardian and
27 safely maintained in the home within the extended period of time
28 or that reasonable services have not been provided to the parent
29 or legal guardian.

30 (3) For purposes of paragraph (2), in order to find a substantial
31 probability that the child will be returned to the physical custody
32 of his or her parent or legal guardian and safely maintained in the
33 home within the extended period of time, the court shall find all
34 of the following:

35 (A) The parent or legal guardian has consistently and regularly
36 contacted and visited with the child, taking into account any
37 particular barriers to a parent's ability to maintain contact with his
38 or her child due to the parent's arrest and receipt of an immigration
39 hold, detention by the United States Department of Homeland
40 Security, or deportation.

1 (B) The parent or legal guardian has made significant progress
2 in resolving the problems that led to the child's removal from the
3 home.

4 (C) The parent or legal guardian has demonstrated the capacity
5 or ability both to complete the objectives of his or her treatment
6 plan and to provide for the child's safety, protection, physical and
7 emotional well-being, and special needs.

8 (4) Order that a hearing be held within 120 days, pursuant to
9 Section 366.26, but only if the court does not continue the case to
10 the permanency planning review hearing and there is clear and
11 convincing evidence that reasonable services have been provided
12 or offered to the parents or legal guardians. On and after January
13 1, 2012, a hearing pursuant to Section 366.26 shall not be ordered
14 if the child is a nonminor dependent, unless the nonminor
15 dependent is an Indian child and tribal customary adoption is
16 recommended as the permanent plan.

17 (5) Order that the child remain in foster care, but only if the
18 court finds by clear and convincing evidence, based upon the
19 evidence already presented to it, including a recommendation by
20 the State Department of Social Services when it is acting as an
21 adoption agency or by a county adoption agency, that there is a
22 compelling reason for determining that a hearing held pursuant to
23 Section 366.26 is not in the best interests of the child because the
24 child is not a proper subject for adoption and has no one willing
25 to accept legal guardianship as of the hearing date. For purposes
26 of this section, a recommendation by the State Department of
27 Social Services when it is acting as an adoption agency or by a
28 county adoption agency that adoption is not in the best interests
29 of the child shall constitute a compelling reason for the court's
30 determination. That recommendation shall be based on the present
31 circumstances of the child and shall not preclude a different
32 recommendation at a later date if the child's circumstances change.
33 On and after January 1, 2012, the nonminor dependent's legal
34 status as an adult is in and of itself a compelling reason not to hold
35 a hearing pursuant to Section 366.26. The court may order that a
36 nonminor dependent who otherwise is eligible pursuant to Section
37 11403 remain in a planned, permanent living arrangement.

38 (A) The court shall make factual findings identifying any
39 barriers to achieving the permanent plan as of the hearing date.
40 When the child is under 16 years of age, the court shall order a

1 permanent plan of return home, adoption, *tribal customary*
2 *adoption in the case of an Indian child*, legal guardianship, or
3 placement with a fit and willing relative, as appropriate. When the
4 child is 16 years of age or older, or is a nonminor dependent, *and*
5 *no other permanent plan is appropriate at the time of the hearing*,
6 the court may order ~~a planned permanent living arrangement other~~
7 ~~than return home, adoption, legal guardianship, or placement with~~
8 ~~a fit and willing relative, as appropriate.~~ *another planned*
9 *permanent living arrangement, as described in paragraph (2) of*
10 *subdivision (i) of Section 16501.*

11 (B) If the court orders that a child who is 10 years of age or
12 older remain in foster care, the court shall determine whether the
13 agency has made reasonable efforts to maintain the child's
14 relationships with individuals other than the child's siblings who
15 are important to the child, consistent with the child's best interests,
16 and may make any appropriate order to ensure that those
17 relationships are maintained.

18 (C) If the child is not returned to his or her parent or legal
19 guardian, the court shall consider, and state for the record, in-state
20 and out-of-state options for permanent placement. If the child is
21 placed out of the state, the court shall make a determination
22 whether the out-of-state placement continues to be appropriate and
23 in the best interests of the child.

24 (h) In any case in which the court orders that a hearing pursuant
25 to Section 366.26 shall be held, it shall also order the termination
26 of reunification services to the parent or legal guardian. The court
27 shall continue to permit the parent or legal guardian to visit the
28 child pending the hearing unless it finds that visitation would be
29 detrimental to the child. The court shall make any other appropriate
30 orders to enable the child to maintain relationships with individuals,
31 other than the child's siblings, who are important to the child,
32 consistent with the child's best interests. When the court orders a
33 termination of reunification services to the parent or legal guardian,
34 it shall also order that the child's caregiver receive the child's birth
35 certificate in accordance with Sections 16010.4 and 16010.5.
36 Additionally, when the court orders a termination of reunification
37 services to the parent or legal guardian, it shall order, when
38 appropriate, that a child who is 16 years of age or older receive
39 his or her birth certificate.

(i) (1) Whenever a court orders that a hearing pursuant to Section 366.26, including, when, in consultation with the child's tribe, tribal customary adoption is recommended, shall be held, it shall direct the agency supervising the child and the county adoption agency, or the State Department of Social Services when it is acting as an adoption agency, to prepare an assessment that shall include:

(A) Current search efforts for an absent parent or parents or legal guardians.

(B) A review of the amount of and nature of any contact between the child and his or her parents or legal guardians and other members of his or her extended family since the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, "extended family" for the purpose of this subparagraph shall include, but not be limited to, the child's siblings, grandparents, aunts, and uncles.

(C) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

(D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or legal guardian, including the prospective tribal customary adoptive parent, particularly the caretaker, to include a social history including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed guardian is a relative of the minor, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3 and in Section 361.4.

(E) The relationship of the child to any identified prospective adoptive parent or legal guardian, the duration and character of the relationship, the degree of attachment of the child to the prospective relative guardian or adoptive parent, the relative's or adoptive parent's strong commitment to caring permanently for the child, the motivation for seeking adoption or guardianship, a statement from the child concerning placement and the adoption or guardianship, and whether the child, if over 12 years of age, has been consulted about the proposed relative guardianship arrangements, unless the child's age or physical, emotional, or

1 other condition precludes his or her meaningful response, and if
2 so, a description of the condition.

3 (F) A description of efforts to be made to identify a prospective
4 adoptive parent or legal guardian, including, but not limited to,
5 child-specific recruitment and listing on an adoption exchange
6 within the state or out of the state.

7 (G) An analysis of the likelihood that the child will be adopted
8 if parental rights are terminated.

9 (H) In the case of an Indian child, in addition to subparagraphs
10 (A) to (G), inclusive, an assessment of the likelihood that the child
11 will be adopted, when, in consultation with the child's tribe, a
12 tribal customary adoption, as defined in Section 366.24, is
13 recommended. If tribal customary adoption is recommended, the
14 assessment shall include an analysis of both of the following:

15 (i) Whether tribal customary adoption would or would not be
16 detrimental to the Indian child and the reasons for reaching that
17 conclusion.

18 (ii) Whether the Indian child cannot or should not be returned
19 to the home of the Indian parent or Indian custodian and the reasons
20 for reaching that conclusion.

21 (2) (A) A relative caregiver's preference for legal guardianship
22 over adoption, if it is due to circumstances that do not include an
23 unwillingness to accept legal or financial responsibility for the
24 child, shall not constitute the sole basis for recommending removal
25 of the child from the relative caregiver for purposes of adoptive
26 placement.

27 (B) Regardless of his or her immigration status, a relative
28 caregiver shall be given information regarding the permanency
29 options of guardianship and adoption, including the long-term
30 benefits and consequences of each option, prior to establishing
31 legal guardianship or pursuing adoption. If the proposed permanent
32 plan is guardianship with an approved relative caregiver for a
33 minor eligible for aid under the Kin-GAP Program, as provided
34 for in Article 4.7 (commencing with Section 11385) of Chapter 2
35 of Part 3 of Division 9, the relative caregiver shall be informed
36 about the terms and conditions of the negotiated agreement
37 pursuant to Section 11387 and shall agree to its execution prior to
38 the hearing held pursuant to Section 366.26. A copy of the executed
39 negotiated agreement shall be attached to the assessment.

(j) If, at any hearing held pursuant to Section 366.26, a guardianship is established for the minor with an approved relative caregiver, and juvenile court dependency is subsequently dismissed, the minor shall be eligible for aid under the Kin-GAP Program, as provided for in Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385), as applicable, of Chapter 2 of Part 3 of Division 9.

(k) As used in this section, “relative” means an adult who is related to the minor by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand,” or the spouse of any of those persons even if the marriage was terminated by death or dissolution. If the proposed permanent plan is guardianship with an approved relative caregiver for a minor eligible for aid under the Kin-GAP Program, as provided for in Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 of Division 9, “relative” as used in this section has the same meaning as “relative” as defined in subdivision (c) of Section 11391.

(l) For purposes of this section, evidence of any of the following circumstances may not, in and of itself, be deemed a failure to provide or offer reasonable services:

(1) The child has been placed with a foster family that is eligible to adopt a child, or has been placed in a preadoptive home.

(2) The case plan includes services to make and finalize a permanent placement for the child if efforts to reunify fail.

(3) Services to make and finalize a permanent placement for the child, if efforts to reunify fail, are provided concurrently with services to reunify the family.

~~SEC. 12.~~

SEC. 11. Section 366.22 of the Welfare and Institutions Code is amended to read:

366.22. (a) (1) When a case has been continued pursuant to paragraph (1) or (2) of subdivision (g) of Section 366.21, the permanency review hearing shall occur within 18 months after the date the child was originally removed from the physical custody of his or her parent or legal guardian. After considering the admissible and relevant evidence, the court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence,

1 that the return of the child to his or her parent or legal guardian
2 would create a substantial risk of detriment to the safety, protection,
3 or physical or emotional well-being of the child. The social worker
4 shall have the burden of establishing that detriment. At the
5 permanency review hearing, the court shall consider the criminal
6 history, obtained pursuant to paragraph (1) of subdivision (f) of
7 Section 16504.5, of the parent or legal guardian subsequent to the
8 child's removal, to the extent that the criminal record is
9 substantially related to the welfare of the child or the parent's or
10 legal guardian's ability to exercise custody and control regarding
11 his or her child, provided that the parent or legal guardian agreed
12 to submit fingerprint images to obtain criminal history information
13 as part of the case plan. The court shall also consider whether the
14 child can be returned to the custody of his or her parent who is
15 enrolled in a certified substance abuse treatment facility that allows
16 a dependent child to reside with his or her parent. The fact that the
17 parent is enrolled in a certified substance abuse treatment facility
18 shall not be, for that reason alone, prima facie evidence of
19 detriment. The failure of the parent or legal guardian to participate
20 regularly and make substantive progress in court-ordered treatment
21 programs shall be prima facie evidence that return would be
22 detrimental. In making its determination, the court shall review
23 and consider the social worker's report and recommendations and
24 the report and recommendations of any child advocate appointed
25 pursuant to Section 356.5; shall consider the efforts or progress,
26 or both, demonstrated by the parent or legal guardian and the extent
27 to which he or she availed himself or herself of services provided,
28 taking into account the particular barriers of an incarcerated or
29 institutionalized parent's or legal guardian's access to those
30 court-mandated services and ability to maintain contact with his
31 or her child; and shall make appropriate findings pursuant to
32 subdivision (a) of Section 366.

33 (2) Whether or not the child is returned to his or her parent or
34 legal guardian, the court shall specify the factual basis for its
35 decision. If the child is not returned to a parent or legal guardian,
36 the court shall specify the factual basis for its conclusion that return
37 would be detrimental. If the child is not returned to his or her parent
38 or legal guardian, the court shall consider, and state for the record,
39 in-state and out-of-state options for the child's permanent
40 placement. If the child is placed out of the state, the court shall

1 make a determination whether the out-of-state placement continues
2 to be appropriate and in the best interests of the child.

3 (3) Unless the conditions in subdivision (b) are met and the
4 child is not returned to a parent or legal guardian at the permanency
5 review hearing, the court shall order that a hearing be held pursuant
6 to Section 366.26 in order to determine whether adoption, or, in
7 the case of an Indian child, in consultation with the child's tribe,
8 tribal customary adoption, guardianship, or continued placement
9 in foster care is the most appropriate plan for the child. On and
10 after January 1, 2012, a hearing pursuant to Section 366.26 shall
11 not be ordered if the child is a nonminor dependent, unless the
12 nonminor dependent is an Indian child, and tribal customary
13 adoption is recommended as the permanent plan. However, if the
14 court finds by clear and convincing evidence, based on the evidence
15 already presented to it, including a recommendation by the State
16 Department of Social Services when it is acting as an adoption
17 agency or by a county adoption agency, that there is a compelling
18 reason, as described in paragraph (5) of subdivision (g) of Section
19 366.21, for determining that a hearing held under Section 366.26
20 is not in the best interests of the child because the child is not a
21 proper subject for adoption and has no one willing to accept legal
22 guardianship as of the hearing date, the court may, only under
23 these circumstances, order that the child remain in foster care with
24 a permanent plan of return home, adoption, *tribal customary*
25 *adoption in the case of an Indian child*, legal guardianship, or
26 placement with a fit and willing ~~relative. relative, as appropriate.~~
27 If the child is 16 years of age or older or is a nonminor dependent,
28 ~~and no other permanent plan is appropriate at the time of the~~
29 ~~hearing, the court may order a another planned permanent living~~
30 ~~arrangement other than return home, adoption, legal guardianship,~~
31 ~~or placement with a fit and willing relative, as appropriate.~~
32 *arrangement, as described in paragraph (2) of subdivision (i) of*
33 *Section 16501.* The court shall make factual findings identifying
34 any barriers to achieving the permanent plan as of the hearing date.
35 On and after January 1, 2012, the nonminor dependent's legal
36 status as an adult is in and of itself a compelling reason not to hold
37 a hearing pursuant to Section 366.26. The court may order that a
38 nonminor dependent who otherwise is eligible pursuant to Section
39 11403 remain in a planned, permanent living arrangement. If the
40 court orders that a child who is 10 years of age or older remain in

1 foster care, the court shall determine whether the agency has made
2 reasonable efforts to maintain the child's relationships with
3 individuals other than the child's siblings who are important to the
4 child, consistent with the child's best interests, and may make any
5 appropriate order to ensure that those relationships are maintained.
6 The hearing shall be held no later than 120 days from the date of
7 the permanency review hearing. The court shall also order
8 termination of reunification services to the parent or legal guardian.
9 The court shall continue to permit the parent or legal guardian to
10 visit the child unless it finds that visitation would be detrimental
11 to the child. The court shall determine whether reasonable services
12 have been offered or provided to the parent or legal guardian. For
13 purposes of this subdivision, evidence of any of the following
14 circumstances shall not, in and of themselves, be deemed a failure
15 to provide or offer reasonable services:

16 (A) The child has been placed with a foster family that is eligible
17 to adopt a child, or has been placed in a preadoptive home.

18 (B) The case plan includes services to make and finalize a
19 permanent placement for the child if efforts to reunify fail.

20 (C) Services to make and finalize a permanent placement for
21 the child, if efforts to reunify fail, are provided concurrently with
22 services to reunify the family.

23 (b) If the child is not returned to a parent or legal guardian at
24 the permanency review hearing and the court determines by clear
25 and convincing evidence that the best interests of the child would
26 be met by the provision of additional reunification services to a
27 parent or legal guardian who is making significant and consistent
28 progress in a court-ordered residential substance abuse treatment
29 program, or a parent recently discharged from incarceration,
30 institutionalization, or the custody of the United States Department
31 of Homeland Security and making significant and consistent
32 progress in establishing a safe home for the child's return, the court
33 may continue the case for up to six months for a subsequent
34 permanency review hearing, provided that the hearing shall occur
35 within 24 months of the date the child was originally taken from
36 the physical custody of his or her parent or legal guardian. The
37 court shall continue the case only if it finds that there is a
38 substantial probability that the child will be returned to the physical
39 custody of his or her parent or legal guardian and safely maintained
40 in the home within the extended period of time or that reasonable

1 services have not been provided to the parent or legal guardian.
2 For the purposes of this section, in order to find a substantial
3 probability that the child will be returned to the physical custody
4 of his or her parent or legal guardian and safely maintained in the
5 home within the extended period of time, the court shall be required
6 to find all of the following:

7 (1) That the parent or legal guardian has consistently and
8 regularly contacted and visited with the child.

9 (2) That the parent or legal guardian has made significant and
10 consistent progress in the prior 18 months in resolving problems
11 that led to the child's removal from the home.

12 (3) The parent or legal guardian has demonstrated the capacity
13 and ability both to complete the objectives of his or her substance
14 abuse treatment plan as evidenced by reports from a substance
15 abuse provider as applicable, or complete a treatment plan
16 postdischarge from incarceration, institutionalization, or detention,
17 or following deportation to his or her country of origin and his or
18 her return to the United States, and to provide for the child's safety,
19 protection, physical and emotional well-being, and special needs.

20 For purposes of this subdivision, the court's decision to continue
21 the case based on a finding or substantial probability that the child
22 will be returned to the physical custody of his or her parent or legal
23 guardian is a compelling reason for determining that a hearing
24 held pursuant to Section 366.26 is not in the best interests of the
25 child.

26 The court shall inform the parent or legal guardian that if the
27 child cannot be returned home by the subsequent permanency
28 review hearing, a proceeding pursuant to Section 366.26 may be
29 instituted. The court may not order that a hearing pursuant to
30 Section 366.26 be held unless there is clear and convincing
31 evidence that reasonable services have been provided or offered
32 to the parent or legal guardian.

33 (c) (1) Whenever a court orders that a hearing pursuant to
34 Section 366.26, including when a tribal customary adoption is
35 recommended, shall be held, it shall direct the agency supervising
36 the child and the county adoption agency, or the State Department
37 of Social Services when it is acting as an adoption agency, to
38 prepare an assessment that shall include:

39 (A) Current search efforts for an absent parent or parents.

1 (B) A review of the amount of and nature of any contact between
2 the child and his or her parents and other members of his or her
3 extended family since the time of placement. Although the
4 extended family of each child shall be reviewed on a case-by-case
5 basis, “extended family” for the purposes of this subparagraph
6 shall include, but not be limited to, the child’s siblings,
7 grandparents, aunts, and uncles.

8 (C) An evaluation of the child’s medical, developmental,
9 scholastic, mental, and emotional status.

10 (D) A preliminary assessment of the eligibility and commitment
11 of any identified prospective adoptive parent or legal guardian,
12 particularly the caretaker, to include a social history including
13 screening for criminal records and prior referrals for child abuse
14 or neglect, the capability to meet the child’s needs, and the
15 understanding of the legal and financial rights and responsibilities
16 of adoption and guardianship. If a proposed legal guardian is a
17 relative of the minor, the assessment shall also consider, but need
18 not be limited to, all of the factors specified in subdivision (a) of
19 Section 361.3 and Section 361.4.

20 (E) The relationship of the child to any identified prospective
21 adoptive parent or legal guardian, the duration and character of
22 the relationship, the degree of attachment of the child to the
23 prospective relative guardian or adoptive parent, the relative’s or
24 adoptive parent’s strong commitment to caring permanently for
25 the child, the motivation for seeking adoption or legal guardianship,
26 a statement from the child concerning placement and the adoption
27 or legal guardianship, and whether the child, if over 12 years of
28 age, has been consulted about the proposed relative guardianship
29 arrangements, unless the child’s age or physical, emotional, or
30 other condition precludes his or her meaningful response, and if
31 so, a description of the condition.

32 (F) An analysis of the likelihood that the child will be adopted
33 if parental rights are terminated.

34 (G) In the case of an Indian child, in addition to subparagraphs
35 (A) to (F), inclusive, an assessment of the likelihood that the child
36 will be adopted, when, in consultation with the child’s tribe, a
37 tribal customary adoption, as defined in Section 366.24, is
38 recommended. If tribal customary adoption is recommended, the
39 assessment shall include an analysis of both of the following:

1 (i) Whether tribal customary adoption would or would not be
2 detrimental to the Indian child and the reasons for reaching that
3 conclusion.

4 (ii) Whether the Indian child cannot or should not be returned
5 to the home of the Indian parent or Indian custodian and the reasons
6 for reaching that conclusion.

7 (2) (A) A relative caregiver's preference for legal guardianship
8 over adoption, if it is due to circumstances that do not include an
9 unwillingness to accept legal or financial responsibility for the
10 child, shall not constitute the sole basis for recommending removal
11 of the child from the relative caregiver for purposes of adoptive
12 placement.

13 (B) Regardless of his or her immigration status, a relative
14 caregiver shall be given information regarding the permanency
15 options of guardianship and adoption, including the long-term
16 benefits and consequences of each option, prior to establishing
17 legal guardianship or pursuing adoption. If the proposed permanent
18 plan is guardianship with an approved relative caregiver for a
19 minor eligible for aid under the Kin-GAP Program, as provided
20 for in Article 4.7 (commencing with Section 11385) of Chapter 2
21 of Part 3 of Division 9, the relative caregiver shall be informed
22 about the terms and conditions of the negotiated agreement
23 pursuant to Section 11387 and shall agree to its execution prior to
24 the hearing held pursuant to Section 366.26. A copy of the executed
25 negotiated agreement shall be attached to the assessment.

26 (d) This section shall become operative January 1, 1999. If at
27 any hearing held pursuant to Section 366.26, a legal guardianship
28 is established for the minor with an approved relative caregiver,
29 and juvenile court dependency is subsequently dismissed, the minor
30 shall be eligible for aid under the Kin-GAP Program, as provided
31 for in Article 4.5 (commencing with Section 11360) or Article 4.7
32 (commencing with Section 11385), as applicable, of Chapter 2 of
33 Part 3 of Division 9.

34 (e) As used in this section, "relative" means an adult who is
35 related to the child by blood, adoption, or affinity within the fifth
36 degree of kinship, including stepparents, stepsiblings, and all
37 relatives whose status is preceded by the words "great,"
38 "great-great," or "grand," or the spouse of any of those persons
39 even if the marriage was terminated by death or dissolution. If the
40 proposed permanent plan is guardianship with an approved relative

1 caregiver for a minor eligible for aid under the Kin-GAP Program,
2 as provided for in Article 4.7 (commencing with Section 11385)
3 of Chapter 2 of Part 3 of Division 9, “relative” as used in this
4 section has the same meaning as “relative” as defined in
5 subdivision (c) of Section 11391.

6 ~~SEC. 13.~~

7 *SEC. 12.* Section 366.25 of the Welfare and Institutions Code
8 is amended to read:

9 366.25. (a) (1) When a case has been continued pursuant to
10 subdivision (b) of Section 366.22, the subsequent permanency
11 review hearing shall occur within 24 months after the date the
12 child was originally removed from the physical custody of his or
13 her parent or legal guardian. After considering the relevant and
14 admissible evidence, the court shall order the return of the child
15 to the physical custody of his or her parent or legal guardian unless
16 the court finds, by a preponderance of the evidence, that the return
17 of the child to his or her parent or legal guardian would create a
18 substantial risk of detriment to the safety, protection, or physical
19 or emotional well-being of the child. The social worker shall have
20 the burden of establishing that detriment. At the subsequent
21 permanency review hearing, the court shall consider the criminal
22 history, obtained pursuant to paragraph (1) of subdivision (f) of
23 Section 16504.5, of the parent or legal guardian subsequent to the
24 child’s removal to the extent that the criminal record is substantially
25 related to the welfare of the child or parent’s or legal guardian’s
26 ability to exercise custody and control regarding his or her child
27 provided that the parent or legal guardian agreed to submit
28 fingerprint images to obtain criminal history information as part
29 of the case plan. The court shall also consider whether the child
30 can be returned to the custody of a parent who is enrolled in a
31 certified substance abuse treatment facility that allows a dependent
32 child to reside with his or her parent. The fact that the parent is
33 enrolled in a certified substance abuse treatment facility shall not
34 be, for that reason alone, prima facie evidence of detriment. The
35 failure of the parent or legal guardian to participate regularly and
36 make substantive progress in court-ordered treatment programs
37 shall be prima facie evidence that return would be detrimental. In
38 making its determination, the court shall review and consider the
39 social worker’s report and recommendations and the report and
40 recommendations of any child advocate appointed pursuant to

1 Section 356.5; shall consider the efforts or progress, or both,
2 demonstrated by the parent or legal guardian and the extent to
3 which he or she availed himself or herself of services provided;
4 and shall make appropriate findings pursuant to subdivision (a) of
5 Section 366.

6 (2) Whether or not the child is returned to his or her parent or
7 legal guardian, the court shall specify the factual basis for its
8 decision. If the child is not returned to a parent or legal guardian,
9 the court shall specify the factual basis for its conclusion that return
10 would be detrimental. If the child is not returned to his or her parent
11 or legal guardian, the court shall consider and state for the record,
12 in-state and out-of-state options for the child's permanent
13 placement. If the child is placed out of the state, the court shall
14 make a determination whether the out-of-state placement continues
15 to be appropriate and in the best interests of the child.

16 (3) If the child is not returned to a parent or legal guardian at
17 the subsequent permanency review hearing, the court shall order
18 that a hearing be held pursuant to Section 366.26 in order to
19 determine whether adoption, or, in the case of an Indian child,
20 tribal customary adoption, guardianship, ~~or foster care~~ *or, in the*
21 *case of a child 16 years of age or older when no other permanent*
22 *plan is appropriate, another planned permanent living arrangement*
23 *is the most appropriate plan for the child.* On and after January 1,
24 2012, a hearing pursuant to Section 366.26 shall not be ordered if
25 the child is a nonminor dependent, unless the nonminor dependent
26 is an Indian child and tribal customary adoption is recommended
27 as the permanent plan. However, if the court finds by clear and
28 convincing evidence, based on the evidence already presented to
29 it, including a recommendation by the State Department of Social
30 Services when it is acting as an adoption agency or by a county
31 adoption agency, that there is a compelling reason, as described
32 in paragraph (5) of subdivision (g) of Section 366.21, for
33 determining that a hearing held under Section 366.26 is not in the
34 best interest of the child because the child is not a proper subject
35 for adoption or, in the case of an Indian child, tribal customary
36 adoption, and has no one willing to accept legal guardianship as
37 of the hearing date, then the court may, only under these
38 circumstances, order that the child remain in foster care with a
39 permanent plan of return home, adoption, *tribal customary*
40 *adoption in the case of an Indian child,* legal guardianship, or

1 placement with a fit and willing ~~relative~~; *relative, as appropriate.*
2 If the child is 16 years of age or older or is a nonminor dependent,
3 *and no other permanent plan is appropriate at the time of the*
4 *hearing*, the court may order ~~a another~~ planned permanent living
5 ~~arrangement other than return home, adoption, legal guardianship,~~
6 ~~or placement with a fit and willing relative, as appropriate.~~
7 *arrangement, as described in paragraph (2) of subdivision (i) of*
8 *Section 16501.* The court shall make factual findings identifying
9 any barriers to achieving the permanent plan as of the hearing date.
10 On and after January 1, 2012, the nonminor dependent's legal
11 status as an adult is in and of itself a compelling reason not to hold
12 a hearing pursuant to Section 366.26. The court may order that a
13 nonminor dependent who otherwise is eligible pursuant to Section
14 11403 remain in a planned, permanent living arrangement. If the
15 court orders that a child who is 10 years of age or older remain in
16 foster care, the court shall determine whether the agency has made
17 reasonable efforts to maintain the child's relationships with
18 individuals other than the child's siblings who are important to the
19 child, consistent with the child's best interests, and may make any
20 appropriate order to ensure that those relationships are maintained.
21 The hearing shall be held no later than 120 days from the date of
22 the subsequent permanency review hearing. The court shall also
23 order termination of reunification services to the parent or legal
24 guardian. The court shall continue to permit the parent or legal
25 guardian to visit the child unless it finds that visitation would be
26 detrimental to the child. The court shall determine whether
27 reasonable services have been offered or provided to the parent or
28 legal guardian. For purposes of this paragraph, evidence of any of
29 the following circumstances shall not, in and of themselves, be
30 deemed a failure to provide or offer reasonable services:
31 (A) The child has been placed with a foster family that is eligible
32 to adopt a child, or has been placed in a preadoptive home.
33 (B) The case plan includes services to make and finalize a
34 permanent placement for the child if efforts to reunify fail.
35 (C) Services to make and finalize a permanent placement for
36 the child, if efforts to reunify fail, are provided concurrently with
37 services to reunify the family.
38 (b) (1) Whenever a court orders that a hearing pursuant to
39 Section 366.26 shall be held, it shall direct the agency supervising
40 the child and the county adoption agency, or the State Department

1 of Social Services when it is acting as an adoption agency, to
2 prepare an assessment that shall include:

3 (A) Current search efforts for an absent parent or parents.

4 (B) A review of the amount of, and nature of, any contact
5 between the child and his or her parents and other members of his
6 or her extended family since the time of placement. Although the
7 extended family of each child shall be reviewed on a case-by-case
8 basis, “extended family” for the purposes of this paragraph shall
9 include, but not be limited to, the child’s siblings, grandparents,
10 aunts, and uncles.

11 (C) An evaluation of the child’s medical, developmental,
12 scholastic, mental, and emotional status.

13 (D) A preliminary assessment of the eligibility and commitment
14 of any identified prospective adoptive parent or legal guardian,
15 including a prospective tribal customary adoptive parent,
16 particularly the caretaker, to include a social history including
17 screening for criminal records and prior referrals for child abuse
18 or neglect, the capability to meet the child’s needs, and the
19 understanding of the legal and financial rights and responsibilities
20 of adoption and guardianship. If a proposed legal guardian is a
21 relative of the minor, the assessment shall also consider, but need
22 not be limited to, all of the factors specified in subdivision (a) of
23 Section 361.3 and in Section 361.4.

24 (E) The relationship of the child to any identified prospective
25 adoptive parent or legal guardian, including a prospective tribal
26 customary adoptive parent, the duration and character of the
27 relationship, the degree of attachment of the child to the prospective
28 relative guardian or adoptive parent, the relative’s or adoptive
29 parent’s strong commitment to caring permanently for the child,
30 the motivation for seeking adoption or legal guardianship, a
31 statement from the child concerning placement and the adoption
32 or legal guardianship, and whether the child, if over 12 years of
33 age, has been consulted about the proposed relative guardianship
34 arrangements, unless the child’s age or physical, emotional, or
35 other condition precludes his or her meaningful response, and if
36 so, a description of the condition.

37 (F) An analysis of the likelihood that the child will be adopted
38 if parental rights are terminated.

39 (G) In the case of an Indian child, in addition to subparagraphs

40 (A) to (F), inclusive, an assessment of the likelihood that the child

1 will be adopted, when, in consultation with the child's tribe, a
2 tribal customary adoption, as defined in Section 366.24, is
3 recommended. If tribal customary adoption is recommended, the
4 assessment shall include an analysis of both of the following:

5 (i) Whether tribal customary adoption would or would not be
6 detrimental to the Indian child and the reasons for reaching that
7 conclusion.

8 (ii) Whether the Indian child cannot or should not be returned
9 to the home of the Indian parent or Indian custodian and the reasons
10 for reaching that conclusion.

11 (2) (A) A relative caregiver's preference for legal guardianship
12 over adoption, if it is due to circumstances that do not include an
13 unwillingness to accept legal or financial responsibility for the
14 child, shall not constitute the sole basis for recommending removal
15 of the child from the relative caregiver for purposes of adoptive
16 placement.

17 (B) Regardless of his or her immigration status, a relative
18 caregiver shall be given information regarding the permanency
19 options of guardianship and adoption, including the long-term
20 benefits and consequences of each option, prior to establishing
21 legal guardianship or pursuing adoption. If the proposed permanent
22 plan is guardianship with an approved relative caregiver for a
23 minor eligible for aid under the Kin-GAP Program, as provided
24 for in Article 4.7 (commencing with Section 11385) of Chapter 2
25 of Part 3 of Division 9, the relative caregiver shall be informed
26 about the terms and conditions of the negotiated agreement
27 pursuant to Section 11387 and shall agree to its execution prior to
28 the hearing held pursuant to Section 366.26. A copy of the executed
29 negotiated agreement shall be attached to the assessment.

30 (c) If, at any hearing held pursuant to Section 366.26, a
31 guardianship is established for the minor with an approved relative
32 caregiver, and juvenile court dependency is subsequently
33 dismissed, the minor shall be eligible for aid under the Kin-GAP
34 Program, as provided for in Article 4.5 (commencing with Section
35 11360) or Article 4.7 (commencing with Section 11385), as
36 applicable, of Chapter 2 of Part 3 of Division 9.

37 (d) As used in this section, "relative" means an adult who is
38 related to the minor by blood, adoption, or affinity within the fifth
39 degree of kinship, including stepparents, stepsiblings, and all
40 relatives whose status is preceded by the words "great,"

1 “great-great,” or “grand,” or the spouse of any of those persons
2 even if the marriage was terminated by death or dissolution. If the
3 proposed permanent plan is guardianship with an approved relative
4 caregiver for a minor eligible for aid under the Kin-GAP Program,
5 as provided in Article 4.7 (commencing with Section 11385) of
6 Chapter 2 of Part 3 of Division 9, “relative” as used in this section
7 has the same meaning as “relative” as defined in subdivision (c)
8 of Section 11391.

9 ~~SEC. 14.~~

10 *SEC. 13.* Section 366.26 of the Welfare and Institutions Code
11 is amended to read:

12 366.26. (a) This section applies to children who are adjudged
13 dependent children of the juvenile court pursuant to subdivision
14 (d) of Section 360. The procedures specified herein are the
15 exclusive procedures for conducting these hearings; Part 2
16 (commencing with Section 3020) of Division 8 of the Family Code
17 is not applicable to these proceedings. Section 8616.5 of the Family
18 Code is applicable and available to all dependent children meeting
19 the requirements of that section, if the postadoption contact
20 agreement has been entered into voluntarily. For children who are
21 adjudged dependent children of the juvenile court pursuant to
22 subdivision (d) of Section 360, this section and Sections 8604,
23 8605, 8606, and 8700 of the Family Code and Chapter 5
24 (commencing with Section 7660) of Part 3 of Division 12 of the
25 Family Code specify the exclusive procedures for permanently
26 terminating parental rights with regard to, or establishing legal
27 guardianship of, the child while the child is a dependent child of
28 the juvenile court.

29 (b) At the hearing, which shall be held in juvenile court for all
30 children who are dependents of the juvenile court, the court, in
31 order to provide stable, permanent homes for these children, shall
32 review the report as specified in Section 361.5, 366.21, 366.22, or
33 366.25, shall indicate that the court has read and considered it,
34 shall receive other evidence that the parties may present, and then
35 shall make findings and orders in the following order of preference:

36 (1) Terminate the rights of the parent or parents and order that
37 the child be placed for adoption and, upon the filing of a petition
38 for adoption in the juvenile court, order that a hearing be set. The
39 court shall proceed with the adoption after the appellate rights of
40 the natural parents have been exhausted.

1 (2) Order, without termination of parental rights, the plan of
2 tribal customary adoption, as described in Section 366.24, through
3 tribal custom, traditions, or law of the Indian child's tribe, and
4 upon the court affording the tribal customary adoption order full
5 faith and credit at the continued selection and implementation
6 hearing, order that a hearing be set pursuant to paragraph (2) of
7 subdivision (e).

8 (3) Appoint a relative or relatives with whom the child is
9 currently residing as legal guardian or guardians for the child, and
10 order that letters of guardianship issue.

11 (4) On making a finding under paragraph (3) of subdivision (c),
12 identify adoption or tribal customary adoption as the permanent
13 placement goal and order that efforts be made to locate an
14 appropriate adoptive family for the child within a period not to
15 exceed 180 days.

16 (5) Appoint a nonrelative legal guardian for the child and order
17 that letters of guardianship issue.

18 (6) *Order that the child be permanently placed with a fit and*
19 *willing relative, subject to the periodic review of the juvenile court*
20 *under Section 366.3.*

21 ~~(6)~~

22 (7) Order that the child remain in foster care, subject to the
23 conditions described in paragraph (4) of subdivision (c) and the
24 periodic review of the juvenile court under Section 366.3.

25 In choosing among the above alternatives the court shall proceed
26 pursuant to subdivision (c).

27 (c) (1) If the court determines, based on the assessment provided
28 as ordered under subdivision (i) of Section 366.21, subdivision (b)
29 of Section 366.22, or subdivision (b) of Section 366.25, and any
30 other relevant evidence, by a clear and convincing standard, that
31 it is likely the child will be adopted, the court shall terminate
32 parental rights and order the child placed for adoption. The fact
33 that the child is not yet placed in a preadoptive home nor with a
34 relative or foster family who is prepared to adopt the child, shall
35 not constitute a basis for the court to conclude that it is not likely
36 the child will be adopted. A finding under subdivision (b) or
37 paragraph (1) of subdivision (e) of Section 361.5 that reunification
38 services shall not be offered, under subdivision (e) of Section
39 366.21 that the whereabouts of a parent have been unknown for
40 six months or that the parent has failed to visit or contact the child

1 for six months, or that the parent has been convicted of a felony
2 indicating parental unfitness, or, under Section 366.21 or 366.22,
3 that the court has continued to remove the child from the custody
4 of the parent or guardian and has terminated reunification services,
5 shall constitute a sufficient basis for termination of parental rights.
6 Under these circumstances, the court shall terminate parental rights
7 unless either of the following applies:

8 (A) The child is living with a relative who is unable or unwilling
9 to adopt the child because of circumstances that do not include an
10 unwillingness to accept legal or financial responsibility for the
11 child, but who is willing and capable of providing the child with
12 a stable and permanent environment through legal guardianship,
13 and the removal of the child from the custody of his or her relative
14 would be detrimental to the emotional well-being of the child. For
15 purposes of an Indian child, “relative” shall include an “extended
16 family member,” as defined in the federal Indian Child Welfare
17 Act of 1978 (25 U.S.C. Sec. 1903(2)).

18 (B) The court finds a compelling reason for determining that
19 termination would be detrimental to the child due to one or more
20 of the following circumstances:

21 (i) The parents have maintained regular visitation and contact
22 with the child and the child would benefit from continuing the
23 relationship.

24 (ii) A child 12 years of age or older objects to termination of
25 parental rights.

26 (iii) The child is placed in a residential treatment facility,
27 adoption is unlikely or undesirable, and continuation of parental
28 rights will not prevent finding the child a permanent family
29 placement if the parents cannot resume custody when residential
30 care is no longer needed.

31 (iv) The child is living with a foster parent or Indian custodian
32 who is unable or unwilling to adopt the child because of
33 exceptional circumstances, that do not include an unwillingness
34 to accept legal or financial responsibility for the child, but who is
35 willing and capable of providing the child with a stable and
36 permanent environment and the removal of the child from the
37 physical custody of his or her foster parent or Indian custodian
38 would be detrimental to the emotional well-being of the child. This
39 clause does not apply to any child who is either (I) under six years
40 of age or (II) a member of a sibling group where at least one child

1 is under six years of age and the siblings are, or should be,
2 permanently placed together.

3 (v) There would be substantial interference with a child's sibling
4 relationship, taking into consideration the nature and extent of the
5 relationship, including, but not limited to, whether the child was
6 raised with a sibling in the same home, whether the child shared
7 significant common experiences or has existing close and strong
8 bonds with a sibling, and whether ongoing contact is in the child's
9 best interest, including the child's long-term emotional interest,
10 as compared to the benefit of legal permanence through adoption.

11 (vi) The child is an Indian child and there is a compelling reason
12 for determining that termination of parental rights would not be
13 in the best interest of the child, including, but not limited to:

14 (I) Termination of parental rights would substantially interfere
15 with the child's connection to his or her tribal community or the
16 child's tribal membership rights.

17 (II) The child's tribe has identified guardianship, foster care
18 with a fit and willing relative, tribal customary adoption, or another
19 planned permanent living arrangement for the child.

20 (III) The child is a nonminor dependent, and the nonminor and
21 the nonminor's tribe have identified tribal customary adoption for
22 the nonminor.

23 (C) For purposes of subparagraph (B), in the case of tribal
24 customary adoptions, Section 366.24 shall apply.

25 (D) If the court finds that termination of parental rights would
26 be detrimental to the child pursuant to clause (i), (ii), (iii), (iv),
27 (v), or (vi), it shall state its reasons in writing or on the record.

28 (2) The court shall not terminate parental rights if:

29 (A) At each hearing at which the court was required to consider
30 reasonable efforts or services, the court has found that reasonable
31 efforts were not made or that reasonable services were not offered
32 or provided.

33 (B) In the case of an Indian child:

34 (i) At the hearing terminating parental rights, the court has found
35 that active efforts were not made as required in Section 361.7.

36 (ii) The court does not make a determination at the hearing
37 terminating parental rights, supported by evidence beyond a
38 reasonable doubt, including testimony of one or more "qualified
39 expert witnesses" as defined in Section 224.6, that the continued

1 custody of the child by the parent is likely to result in serious
2 emotional or physical damage to the child.

3 (iii) The court has ordered tribal customary adoption pursuant
4 to Section 366.24.

5 (3) If the court finds that termination of parental rights would
6 not be detrimental to the child pursuant to paragraph (1) and that
7 the child has a probability for adoption but is difficult to place for
8 adoption and there is no identified or available prospective adoptive
9 parent, the court may identify adoption as the permanent placement
10 goal and without terminating parental rights, order that efforts be
11 made to locate an appropriate adoptive family for the child, within
12 the state or out of the state, within a period not to exceed 180 days.
13 During this 180-day period, the public agency responsible for
14 seeking adoptive parents for each child shall, to the extent possible,
15 ask each child who is 10 years of age or older, to identify any
16 individuals, other than the child's siblings, who are important to
17 the child, in order to identify potential adoptive parents. The public
18 agency may ask any other child to provide that information, as
19 appropriate. During the 180-day period, the public agency shall,
20 to the extent possible, contact other private and public adoption
21 agencies regarding the availability of the child for adoption. During
22 the 180-day period, the public agency shall conduct the search for
23 adoptive parents in the same manner as prescribed for children in
24 Sections 8708 and 8709 of the Family Code. At the expiration of
25 this period, another hearing shall be held and the court shall
26 proceed pursuant to paragraph (1), (2), (3), (5), or (6) of subdivision
27 (b). For purposes of this section, a child may only be found to be
28 difficult to place for adoption if there is no identified or available
29 prospective adoptive parent for the child because of the child's
30 membership in a sibling group, or the presence of a diagnosed
31 medical, physical, or mental handicap, or the child is seven years
32 of age or more.

33 (4) (A) If the court finds that adoption of the child or
34 termination of parental rights is not in the best interest of the child,
35 because one of the conditions in clause (i), (ii), (iii), (iv), (v), or
36 (vi) of subparagraph (B) of paragraph (1) or in paragraph (2)
37 applies, the court shall order that the present caretakers or other
38 appropriate persons shall become legal guardians of the child,
39 ~~order that the child remain in foster care~~, or, in the case of an Indian
40 child, consider a tribal customary adoption pursuant to Section

1 366.24. Legal guardianship shall be considered before ~~continuation~~
2 ~~in foster care~~, *continuing the child in foster care under any other*
3 *permanent plan*, if it is in the best interests of the child and if a
4 suitable guardian can be found. If the child continues in foster
5 care, the court shall make factual findings identifying any barriers
6 to achieving ~~the permanent plan~~ *adoption, tribal customary*
7 *adoption in the case of an Indian child, legal guardianship, or*
8 *placement with a fit and willing relative* as of the date of the
9 hearing. A child who is 10 years of age or older, shall be asked to
10 identify any individuals, other than the child's siblings, who are
11 important to the child, in order to identify potential guardians or,
12 in the case of an Indian child, prospective tribal customary adoptive
13 parents. The agency may ask any other child to provide that
14 information, as appropriate.

15 (B) ~~(1)~~ *(i)* If the child is living with an approved relative who
16 is willing and capable of providing a stable and permanent
17 environment, but not willing to become a legal guardian as of the
18 hearing date, the court shall order a permanent plan of placement
19 with a fit and willing relative, and the child shall not be removed
20 from the home if the court finds the removal would be seriously
21 detrimental to the emotional well-being of the child because the
22 child has substantial psychological ties to the relative caretaker.

23 ~~(2)~~
24 *(ii)* If the child is living with a nonrelative caregiver who is
25 willing and capable of providing a stable and permanent
26 environment, but not willing to become a legal guardian as of the
27 hearing date, the court shall order that the child remain in foster
28 care with a permanent plan of return home, adoption, legal
29 guardianship, or placement with a fit and willing ~~relative~~ *relative,*
30 *as appropriate*. If the child is 16 years of age or older, or a
31 nonminor dependent, *and no other permanent plan is appropriate*
32 *at the time of the hearing*, the court may order ~~a permanent plan~~
33 ~~other than return home, adoption, legal guardianship, or placement~~
34 ~~with a fit and willing relative~~. *The another planned permanent*
35 *living arrangement, as described in paragraph (2) of subdivision*
36 *(i) of Section 16501. Regardless of the age of the child, the child*
37 *shall not be removed from the home if the court finds the removal*
38 *would be seriously detrimental to the emotional well-being of the*
39 *child because the child has substantial psychological ties to the*
40 *caregiver.*

1 ~~(3)~~

2 (iii) If the child is living in a group home or, on or after January
3 1, 2017, a short-term residential treatment center, the court shall
4 order that the child remain in foster care with a permanent plan of
5 return home, adoption, *tribal customary adoption in the case of*
6 *an Indian child*, legal guardianship, or placement with a fit and
7 willing ~~relative~~. *relative, as appropriate*. If the child is 16 years
8 of age or older, or a nonminor dependent, *and no other permanent*
9 *plan is appropriate at the time of the hearing*, the court may order
10 ~~a permanent plan other than return home, adoption, legal~~
11 ~~guardianship, or placement with a fit and willing relative. another~~
12 ~~planned permanent living arrangement, as described in paragraph~~
13 ~~(2) of subdivision (i) of Section 16501.~~

14 (C) The court shall also make an order for visitation with the
15 parents or guardians unless the court finds by a preponderance of
16 the evidence that the visitation would be detrimental to the physical
17 or emotional well-being of the child.

18 (5) If the court finds that the child should not be placed for
19 adoption, that legal guardianship shall not be established, that
20 placement with a fit and willing relative is not appropriate as of
21 the hearing date, and that there are no suitable foster parents except
22 exclusive-use homes available to provide the child with a stable
23 and permanent environment, the court may order the care, custody,
24 and control of the child transferred from the county welfare
25 department to a licensed foster family agency. The court shall
26 consider the written recommendation of the county welfare director
27 regarding the suitability of the transfer. The transfer shall be subject
28 to further court orders.

29 The licensed foster family agency shall place the child in a
30 suitable licensed or exclusive-use home that has been certified by
31 the agency as meeting licensing standards. The licensed foster
32 family agency shall be responsible for supporting the child and
33 providing appropriate services to the child, including those services
34 ordered by the court. Responsibility for the support of the child
35 shall not, in and of itself, create liability on the part of the foster
36 family agency to third persons injured by the child. Those children
37 whose care, custody, and control are transferred to a foster family
38 agency shall not be eligible for foster care maintenance payments
39 or child welfare services, except for emergency response services
40 pursuant to Section 16504.

1 (d) The proceeding for the appointment of a guardian for a child
2 who is a dependent of the juvenile court shall be in the juvenile
3 court. If the court finds pursuant to this section that legal
4 guardianship is the appropriate permanent plan, it shall appoint
5 the legal guardian and issue letters of guardianship. The assessment
6 prepared pursuant to subdivision (g) of Section 361.5, subdivision
7 (i) of Section 366.21, subdivision (b) of Section 366.22, and
8 subdivision (b) of Section 366.25 shall be read and considered by
9 the court prior to the appointment, and this shall be reflected in
10 the minutes of the court. The person preparing the assessment may
11 be called and examined by any party to the proceeding.

12 (e) (1) The proceeding for the adoption of a child who is a
13 dependent of the juvenile court shall be in the juvenile court if the
14 court finds pursuant to this section that adoption is the appropriate
15 permanent plan and the petition for adoption is filed in the juvenile
16 court. Upon the filing of a petition for adoption, the juvenile court
17 shall order that an adoption hearing be set. The court shall proceed
18 with the adoption after the appellate rights of the natural parents
19 have been exhausted. The full report required by Section 8715 of
20 the Family Code shall be read and considered by the court prior
21 to the adoption and this shall be reflected in the minutes of the
22 court. The person preparing the report may be called and examined
23 by any party to the proceeding. It is the intent of the Legislature,
24 pursuant to this subdivision, to give potential adoptive parents the
25 option of filing in the juvenile court the petition for the adoption
26 of a child who is a dependent of the juvenile court. Nothing in this
27 section is intended to prevent the filing of a petition for adoption
28 in any other court as permitted by law, instead of in the juvenile
29 court.

30 (2) In the case of an Indian child, if the Indian child's tribe has
31 elected a permanent plan of tribal customary adoption, the court,
32 upon receiving the tribal customary adoption order will afford the
33 tribal customary adoption order full faith and credit to the same
34 extent that the court would afford full faith and credit to the public
35 acts, records, judicial proceedings, and judgments of any other
36 entity. Upon a determination that the tribal customary adoption
37 order may be afforded full faith and credit, consistent with Section
38 224.5, the court shall thereafter order a hearing to finalize the
39 adoption be set upon the filing of the adoption petition. The
40 prospective tribal customary adoptive parents and the child who

1 is the subject of the tribal customary adoption petition shall appear
2 before the court for the finalization hearing. The court shall
3 thereafter issue an order of adoption pursuant to Section 366.24.

4 (3) If a child who is the subject of a finalized tribal customary
5 adoption shows evidence of a developmental disability or mental
6 illness as a result of conditions existing before the tribal customary
7 adoption to the extent that the child cannot be relinquished to a
8 licensed adoption agency on the grounds that the child is considered
9 unadoptable, and of which condition the tribal customary adoptive
10 parent or parents had no knowledge or notice before the entry of
11 the tribal customary adoption order, a petition setting forth those
12 facts may be filed by the tribal customary adoptive parent or
13 parents with the juvenile court that granted the tribal customary
14 adoption petition. If these facts are proved to the satisfaction of
15 the juvenile court, it may make an order setting aside the tribal
16 customary adoption order. ~~The set aside~~ *set-aside* petition shall be
17 filed within five years of the issuance of the tribal customary
18 adoption order. The court clerk shall immediately notify the child's
19 tribe and the department in Sacramento of the petition within 60
20 days after the notice of filing of the petition. The department shall
21 file a full report with the court and shall appear before the court
22 for the purpose of representing the child. Whenever a final decree
23 of tribal customary adoption has been vacated or set aside, the
24 child shall be returned to the custody of the county in which the
25 proceeding for tribal customary adoption was finalized. The
26 biological parent or parents of the child may petition for return of
27 custody. The disposition of the child after the court has entered an
28 order to set aside a tribal customary adoption shall include
29 consultation with the child's tribe.

30 (f) At the beginning of any proceeding pursuant to this section,
31 if the child or the parents are not being represented by previously
32 retained or appointed counsel, the court shall proceed as follows:

33 (1) In accordance with subdivision (c) of Section 317, if a child
34 before the court is without counsel, the court shall appoint counsel
35 unless the court finds that the child would not benefit from the
36 appointment of counsel. The court shall state on the record its
37 reasons for that finding.

38 (2) If a parent appears without counsel and is unable to afford
39 counsel, the court shall appoint counsel for the parent, unless this
40 representation is knowingly and intelligently waived. The same

1 counsel shall not be appointed to represent both the child and his
2 or her parent. The public defender or private counsel may be
3 appointed as counsel for the parent.

4 (3) Private counsel appointed under this section shall receive a
5 reasonable sum for compensation and expenses, the amount of
6 which shall be determined by the court. The amount shall be paid
7 by the real parties in interest, other than the child, in any
8 proportions the court deems just. However, if the court finds that
9 any of the real parties in interest are unable to afford counsel, the
10 amount shall be paid out of the general fund of the county.

11 (g) The court may continue the proceeding for a period of time
12 not to exceed 30 days as necessary to appoint counsel, and to
13 enable counsel to become acquainted with the case.

14 (h) (1) At all proceedings under this section, the court shall
15 consider the wishes of the child and shall act in the best interests
16 of the child.

17 (2) In accordance with Section 349, the child shall be present
18 in court if the child or the child's counsel so requests or the court
19 so orders. If the child is 10 years of age or older and is not present
20 at a hearing held pursuant to this section, the court shall determine
21 whether the minor was properly notified of his or her right to attend
22 the hearing and inquire as to the reason why the child is not present.

23 (3) (A) The testimony of the child may be taken in chambers
24 and outside the presence of the child's parent or parents, if the
25 child's parent or parents are represented by counsel, the counsel
26 is present, and any of the following circumstances exists:

27 (i) The court determines that testimony in chambers is necessary
28 to ensure truthful testimony.

29 (ii) The child is likely to be intimidated by a formal courtroom
30 setting.

31 (iii) The child is afraid to testify in front of his or her parent or
32 parents.

33 (B) After testimony in chambers, the parent or parents of the
34 child may elect to have the court reporter read back the testimony
35 or have the testimony summarized by counsel for the parent or
36 parents.

37 (C) The testimony of a child also may be taken in chambers and
38 outside the presence of the guardian or guardians of a child under
39 the circumstances specified in this subdivision.

(i) (1) Any order of the court permanently terminating parental rights under this section shall be conclusive and binding upon the child, upon the parent or parents and upon all other persons who have been served with citation by publication or otherwise as provided in this chapter. After making the order, the juvenile court shall have no power to set aside, change, or modify it, except as provided in paragraph (2), but nothing in this section shall be construed to limit the right to appeal the order.

(2) A tribal customary adoption order evidencing that the Indian child has been the subject of a tribal customary adoption shall be afforded full faith and credit and shall have the same force and effect as an order of adoption authorized by this section. The rights and obligations of the parties as to the matters determined by the Indian child's tribe shall be binding on all parties. A court shall not order compliance with the order absent a finding that the party seeking the enforcement participated, or attempted to participate, in good faith, in family mediation services of the court or dispute resolution through the tribe regarding the conflict, prior to the filing of the enforcement action.

(3) A child who has not been adopted after the passage of at least three years from the date the court terminated parental rights and for whom the court has determined that adoption is no longer the permanent plan may petition the juvenile court to reinstate parental rights pursuant to the procedure prescribed by Section 388. The child may file the petition prior to the expiration of this three-year period if the State Department of Social Services, county adoption agency, or licensed adoption agency that is responsible for custody and supervision of the child as described in subdivision (j) and the child stipulate that the child is no longer likely to be adopted. A child over 12 years of age shall sign the petition in the absence of a showing of good cause as to why the child could not do so. If it appears that the best interests of the child may be promoted by reinstatement of parental rights, the court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to the social worker or probation officer and to the child's attorney of record, or, if there is no attorney of record for the child, to the child, and the child's tribe, if applicable, by means prescribed by subdivision (c) of Section 297. The court shall order the child or the social worker or probation officer to give prior notice of the hearing to the child's former parent or

1 parents whose parental rights were terminated in the manner
2 prescribed by subdivision (f) of Section 294 where the
3 recommendation is adoption. The juvenile court shall grant the
4 petition if it finds by clear and convincing evidence that the child
5 is no longer likely to be adopted and that reinstatement of parental
6 rights is in the child's best interest. If the court reinstates parental
7 rights over a child who is under 12 years of age and for whom the
8 new permanent plan will not be reunification with a parent or legal
9 guardian, the court shall specify the factual basis for its findings
10 that it is in the best interest of the child to reinstate parental rights.

11 This subdivision is intended to be retroactive and applies to any
12 child who is under the jurisdiction of the juvenile court at the time
13 of the hearing regardless of the date parental rights were terminated.

14 (j) If the court, by order or judgment, declares the child free
15 from the custody and control of both parents, or one parent if the
16 other does not have custody and control, or declares the child
17 eligible for tribal customary adoption, the court shall at the same
18 time order the child referred to the State Department of Social
19 Services, county adoption agency, or licensed adoption agency for
20 adoptive placement by the agency. However, except in the case
21 of a tribal customary adoption where there is no termination of
22 parental rights, a petition for adoption may not be granted until
23 the appellate rights of the natural parents have been exhausted.
24 The State Department of Social Services, county adoption agency,
25 or licensed adoption agency shall be responsible for the custody
26 and supervision of the child and shall be entitled to the exclusive
27 care and control of the child at all times until a petition for adoption
28 or tribal customary adoption is granted, except as specified in
29 subdivision (n). With the consent of the agency, the court may
30 appoint a guardian of the child, who shall serve until the child is
31 adopted.

32 (k) Notwithstanding any other law, the application of any person
33 who, as a relative caretaker or foster parent, has cared for a
34 dependent child for whom the court has approved a permanent
35 plan for adoption, or who has been freed for adoption, shall be
36 given preference with respect to that child over all other
37 applications for adoptive placement if the agency making the
38 placement determines that the child has substantial emotional ties
39 to the relative caretaker or foster parent and removal from the

1 relative caretaker or foster parent would be seriously detrimental
2 to the child's emotional well-being.

3 As used in this subdivision, "preference" means that the
4 application shall be processed and, if satisfactory, the family study
5 shall be completed before the processing of the application of any
6 other person for the adoptive placement of the child.

7 (l) (1) An order by the court that a hearing pursuant to this
8 section be held is not appealable at any time unless all of the
9 following apply:

10 (A) A petition for extraordinary writ review was filed in a timely
11 manner.

12 (B) The petition substantively addressed the specific issues to
13 be challenged and supported that challenge by an adequate record.

14 (C) The petition for extraordinary writ review was summarily
15 denied or otherwise not decided on the merits.

16 (2) Failure to file a petition for extraordinary writ review within
17 the period specified by rule, to substantively address the specific
18 issues challenged, or to support that challenge by an adequate
19 record shall preclude subsequent review by appeal of the findings
20 and orders made pursuant to this section.

21 (3) The Judicial Council shall adopt rules of court, effective
22 January 1, 1995, to ensure all of the following:

23 (A) A trial court, after issuance of an order directing a hearing
24 pursuant to this section be held, shall advise all parties of the
25 requirement of filing a petition for extraordinary writ review as
26 set forth in this subdivision in order to preserve any right to appeal
27 in these issues. This notice shall be made orally to a party if the
28 party is present at the time of the making of the order or by
29 first-class mail by the clerk of the court to the last known address
30 of a party not present at the time of the making of the order.

31 (B) The prompt transmittal of the records from the trial court
32 to the appellate court.

33 (C) That adequate time requirements for counsel and court
34 personnel exist to implement the objective of this subdivision.

35 (D) That the parent or guardian, or their trial counsel or other
36 counsel, is charged with the responsibility of filing a petition for
37 extraordinary writ relief pursuant to this subdivision.

38 (4) The intent of this subdivision is to do both of the following:

39 (A) Make every reasonable attempt to achieve a substantive and
40 meritorious review by the appellate court within the time specified

1 in Sections 366.21, 366.22, and 366.25 for holding a hearing
2 pursuant to this section.

3 (B) Encourage the appellate court to determine all writ petitions
4 filed pursuant to this subdivision on their merits.

5 (5) This subdivision shall only apply to cases in which an order
6 to set a hearing pursuant to this section is issued on or after January
7 1, 1995.

8 (m) Except for subdivision (j), this section shall also apply to
9 minors adjudged wards pursuant to Section 727.31.

10 (n) (1) Notwithstanding Section 8704 of the Family Code or
11 any other law, the court, at a hearing held pursuant to this section
12 or anytime thereafter, may designate a current caretaker as a
13 prospective adoptive parent if the child has lived with the caretaker
14 for at least six months, the caretaker currently expresses a
15 commitment to adopt the child, and the caretaker has taken at least
16 one step to facilitate the adoption process. In determining whether
17 to make that designation, the court may take into consideration
18 whether the caretaker is listed in the preliminary assessment
19 prepared by the county department in accordance with subdivision
20 (i) of Section 366.21 as an appropriate person to be considered as
21 an adoptive parent for the child and the recommendation of the
22 State Department of Social Services, county adoption agency, or
23 licensed adoption agency.

24 (2) For purposes of this subdivision, steps to facilitate the
25 adoption process include, but are not limited to, the following:

26 (A) Applying for an adoption home study.

27 (B) Cooperating with an adoption home study.

28 (C) Being designated by the court or the adoption agency as the
29 adoptive family.

30 (D) Requesting de facto parent status.

31 (E) Signing an adoptive placement agreement.

32 (F) Engaging in discussions regarding a postadoption contact
33 agreement.

34 (G) Working to overcome any impediments that have been
35 identified by the State Department of Social Services, county
36 adoption agency, or licensed adoption agency.

37 (H) Attending classes required of prospective adoptive parents.

38 (3) Prior to a change in placement and as soon as possible after
39 a decision is made to remove a child from the home of a designated
40 prospective adoptive parent, the agency shall notify the court, the

1 designated prospective adoptive parent or the current caretaker, if
2 that caretaker would have met the threshold criteria to be
3 designated as a prospective adoptive parent pursuant to paragraph
4 (1) on the date of service of this notice, the child's attorney, and
5 the child, if the child is 10 years of age or older, of the proposal
6 in the manner described in Section 16010.6.

7 (A) Within five court days or seven calendar days, whichever
8 is longer, of the date of notification, the child, the child's attorney,
9 or the designated prospective adoptive parent may file a petition
10 with the court objecting to the proposal to remove the child, or the
11 court, upon its own motion, may set a hearing regarding the
12 proposal. The court may, for good cause, extend the filing period.
13 A caretaker who would have met the threshold criteria to be
14 designated as a prospective adoptive parent pursuant to paragraph
15 (1) on the date of service of the notice of proposed removal of the
16 child may file, together with the petition under this subparagraph,
17 a petition for an order designating the caretaker as a prospective
18 adoptive parent for purposes of this subdivision.

19 (B) A hearing ordered pursuant to this paragraph shall be held
20 as soon as possible and not later than five court days after the
21 petition is filed with the court or the court sets a hearing upon its
22 own motion, unless the court for good cause is unable to set the
23 matter for hearing five court days after the petition is filed, in
24 which case the court shall set the matter for hearing as soon as
25 possible. At the hearing, the court shall determine whether the
26 caretaker has met the threshold criteria to be designated as a
27 prospective adoptive parent pursuant to paragraph (1), and whether
28 the proposed removal of the child from the home of the designated
29 prospective adoptive parent is in the child's best interest, and the
30 child may not be removed from the home of the designated
31 prospective adoptive parent unless the court finds that removal is
32 in the child's best interest. If the court determines that the caretaker
33 did not meet the threshold criteria to be designated as a prospective
34 adoptive parent on the date of service of the notice of proposed
35 removal of the child, the petition objecting to the proposed removal
36 filed by the caretaker shall be dismissed. If the caretaker was
37 designated as a prospective adoptive parent prior to this hearing,
38 the court shall inquire into any progress made by the caretaker
39 towards the adoption of the child since the caretaker was designated
40 as a prospective adoptive parent.

1 (C) A determination by the court that the caretaker is a
2 designated prospective adoptive parent pursuant to paragraph (1)
3 or subparagraph (B) does not make the caretaker a party to the
4 dependency proceeding nor does it confer on the caretaker any
5 standing to object to any other action of the department, county
6 adoption agency, or licensed adoption agency, unless the caretaker
7 has been declared a de facto parent by the court prior to the notice
8 of removal served pursuant to paragraph (3).

9 (D) If a petition objecting to the proposal to remove the child
10 is not filed, and the court, upon its own motion, does not set a
11 hearing, the child may be removed from the home of the designated
12 prospective adoptive parent without a hearing.

13 (4) Notwithstanding paragraph (3), if the State Department of
14 Social Services, county adoption agency, or licensed adoption
15 agency determines that the child must be removed from the home
16 of the caretaker who is or may be a designated prospective adoptive
17 parent immediately, due to a risk of physical or emotional harm,
18 the agency may remove the child from that home and is not
19 required to provide notice prior to the removal. However, as soon
20 as possible and not longer than two court days after the removal,
21 the agency shall notify the court, the caretaker who is or may be
22 a designated prospective adoptive parent, the child's attorney, and
23 the child, if the child is 10 years of age or older, of the removal.
24 Within five court days or seven calendar days, whichever is longer,
25 of the date of notification of the removal, the child, the child's
26 attorney, or the caretaker who is or may be a designated prospective
27 adoptive parent may petition for, or the court on its own motion
28 may set, a noticed hearing pursuant to paragraph (3). The court
29 may, for good cause, extend the filing period.

30 (5) Except as provided in subdivision (b) of Section 366.28, an
31 order by the court issued after a hearing pursuant to this subdivision
32 shall not be appealable.

33 (6) Nothing in this section shall preclude a county child
34 protective services agency from fully investigating and responding
35 to alleged abuse or neglect of a child pursuant to Section 11165.5
36 of the Penal Code.

37 (7) The Judicial Council shall prepare forms to facilitate the
38 filing of the petitions described in this subdivision, which shall
39 become effective on January 1, 2006.

1 ~~SEC. 15.~~

2 *SEC. 14.* Section 366.3 of the Welfare and Institutions Code
3 is amended to read:

4 366.3. (a) If a juvenile court orders a permanent plan of
5 adoption, tribal customary adoption, adoption of a nonminor
6 dependent pursuant to subdivision (f) of Section 366.31, or legal
7 guardianship pursuant to Section 360 or 366.26, the court shall
8 retain jurisdiction over the child or nonminor dependent until the
9 child or nonminor dependent is adopted or the legal guardianship
10 is established, except as provided for in Section 366.29 or, on and
11 after January 1, 2012, Section 366.32. The status of the child or
12 nonminor dependent shall be reviewed every six months to ensure
13 that the adoption or legal guardianship is completed as
14 expeditiously as possible. When the adoption of the child or
15 nonminor dependent has been granted, or in the case of a tribal
16 customary adoption, when the tribal customary adoption order has
17 been afforded full faith and credit and the petition for adoption
18 has been granted, the court shall terminate its jurisdiction over the
19 child or nonminor dependent. Following establishment of a legal
20 guardianship, the court may continue jurisdiction over the child
21 as a dependent child of the juvenile court or may terminate its
22 dependency jurisdiction and retain jurisdiction over the child as a
23 ward of the legal guardianship, as authorized by Section 366.4. If,
24 however, a relative of the child is appointed the legal guardian of
25 the child and the child has been placed with the relative for at least
26 six months, the court shall, except if the relative guardian objects,
27 or upon a finding of exceptional circumstances, terminate its
28 dependency jurisdiction and retain jurisdiction over the child as a
29 ward of the guardianship, as authorized by Section 366.4.
30 Following a termination of parental rights, the parent or parents
31 shall not be a party to, or receive notice of, any subsequent
32 proceedings regarding the child.

33 (b) (1) If the court has dismissed dependency jurisdiction
34 following the establishment of a legal guardianship, or no
35 dependency jurisdiction attached because of the granting of a legal
36 guardianship pursuant to Section 360, and the legal guardianship
37 is subsequently revoked or otherwise terminated, the county
38 department of social services or welfare department shall notify
39 the juvenile court of this fact. The court may vacate its previous
40 order dismissing dependency jurisdiction over the child.

(2) Notwithstanding Section 1601 of the Probate Code, the proceedings to terminate a legal guardianship that has been granted pursuant to Section 360 or 366.26 shall be held either in the juvenile court that retains jurisdiction over the guardianship as authorized by Section 366.4 or the juvenile court in the county where the guardian and child currently reside, based on the best interests of the child, unless the termination is due to the emancipation or adoption of the child. The juvenile court having jurisdiction over the guardianship shall receive notice from the court in which the petition is filed within five calendar days of the filing. Prior to the hearing on a petition to terminate legal guardianship pursuant to this subdivision, the court shall order the county department of social services or welfare department having jurisdiction or jointly with the county department where the guardian and child currently reside to prepare a report, for the court's consideration, that shall include an evaluation of whether the child could safely remain in, or be returned to, the legal guardian's home, without terminating the legal guardianship, if services were provided to the child or legal guardian. If applicable, the report shall also identify recommended family maintenance or reunification services to maintain the legal guardianship and set forth a plan for providing those services. If the petition to terminate legal guardianship is granted, either juvenile court may resume dependency jurisdiction over the child, and may order the county department of social services or welfare department to develop a new permanent plan, which shall be presented to the court within 60 days of the termination. If no dependency jurisdiction has attached, the social worker shall make any investigation he or she deems necessary to determine whether the child may be within the jurisdiction of the juvenile court, as provided in Section 328.

(3) Unless the parental rights of the child's parent or parents have been terminated, they shall be notified that the legal guardianship has been revoked or terminated and shall be entitled to participate in the new permanency planning hearing. The court shall try to place the child in another permanent placement. At the hearing, the parents may be considered as custodians but the child shall not be returned to the parent or parents unless they prove, by a preponderance of the evidence, that reunification is the best alternative for the child. The court may, if it is in the best interests

1 of the child, order that reunification services again be provided to
2 the parent or parents.

3 (c) If, following the establishment of a legal guardianship, the
4 county welfare department becomes aware of changed
5 circumstances that indicate adoption or, for an Indian child, tribal
6 customary adoption, may be an appropriate plan for the child, the
7 department shall so notify the court. The court may vacate its
8 previous order dismissing dependency jurisdiction over the child
9 and order that a hearing be held pursuant to Section 366.26 to
10 determine whether adoption or continued legal guardianship is the
11 most appropriate plan for the child. The hearing shall be held no
12 later than 120 days from the date of the order. If the court orders
13 that a hearing shall be held pursuant to Section 366.26, the court
14 shall direct the agency supervising the child and the county
15 adoption agency, or the State Department of Social Services if it
16 is acting as an adoption agency, to prepare an assessment under
17 subdivision (b) of Section 366.22.

18 (d) If the child or, on and after January 1, 2012, nonminor
19 dependent is in a placement other than the home of a legal guardian
20 and jurisdiction has not been dismissed, the status of the child shall
21 be reviewed at least every six months. The review of the status of
22 a child for whom the court has ordered parental rights terminated
23 and who has been ordered placed for adoption shall be conducted
24 by the court. The review of the status of a child or, on and after
25 January 1, 2012, nonminor dependent for whom the court has not
26 ordered parental rights terminated and who has not been ordered
27 placed for adoption may be conducted by the court or an
28 appropriate local agency. The court shall conduct the review under
29 the following circumstances:

30 (1) Upon the request of the child's parents or legal guardians.

31 (2) Upon the request of the child or, on and after January 1,
32 2012, nonminor dependent.

33 (3) It has been 12 months since a hearing held pursuant to
34 Section 366.26 or an order that the child remain in foster care
35 pursuant to Section 366.21, 366.22, 366.25, 366.26, or subdivision
36 (h).

37 (4) It has been 12 months since a review was conducted by the
38 court.

1 The court shall determine whether or not reasonable efforts to
2 make and finalize a permanent placement for the child have been
3 made.

4 (e) Except as provided in subdivision (g), at the review held
5 every six months pursuant to subdivision (d), the reviewing body
6 shall inquire about the progress being made to provide a permanent
7 home for the child, shall consider the safety of the child, and shall
8 determine all of the following:

9 (1) The continuing necessity for, and appropriateness of, the
10 placement.

11 (2) Identification of individuals other than the child's siblings
12 who are important to a child who is 10 years of age or older and
13 has been in out-of-home placement for six months or longer, and
14 actions necessary to maintain the child's relationship with those
15 individuals, provided that those relationships are in the best interest
16 of the child. The social worker shall ask every child who is 10
17 years of age or older and who has been in out-of-home placement
18 for six months or longer to identify individuals other than the
19 child's siblings who are important to the child, and may ask any
20 other child to provide that information, as appropriate. The social
21 worker shall make efforts to identify other individuals who are
22 important to the child, consistent with the child's best interests.

23 (3) The continuing appropriateness and extent of compliance
24 with the permanent plan for the child, including efforts to maintain
25 relationships between a child who is 10 years of age or older and
26 who has been in out-of-home placement for six months or longer
27 and individuals who are important to the child and efforts to
28 identify a prospective adoptive parent or legal guardian, including,
29 but not limited to, child-specific recruitment efforts and listing on
30 an adoption exchange.

31 (4) The extent of the agency's compliance with the child welfare
32 services case plan in making reasonable efforts either to return the
33 child to the safe home of the parent or to complete whatever steps
34 are necessary to finalize the permanent placement of the child. If
35 the reviewing body determines that a second period of reunification
36 services is in the child's best interests, and that there is a significant
37 likelihood of the child's return to a safe home due to changed
38 circumstances of the parent, pursuant to subdivision (f), the specific
39 reunification services required to effect the child's return to a safe
40 home shall be described.

(5) Whether there should be any limitation on the right of the parent or guardian to make educational decisions or developmental services decisions for the child. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the child. If the court specifically limits the right of the parent or guardian to make educational decisions or developmental services decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions or developmental services decisions for the child pursuant to Section 361.

(6) The adequacy of services provided to the child. The court shall consider the progress in providing the information and documents to the child, as described in Section 391. The court shall also consider the need for, and progress in providing, the assistance and services described in Section 391.

(7) The extent of progress the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care.

(8) The likely date by which the child may be returned to, and safely maintained in, the home, placed for adoption, legal guardianship, placed with a fit and willing relative, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption, or, if the child is 16 years of age or older, *and no other permanent plan is appropriate at the time of the hearing*, in another planned *permanent* living arrangement.

(9) Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and his or her siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, all of the following:

(i) The frequency and nature of the visits between the siblings.

(ii) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a

1 discussion of the reasons why the visits are supervised, and what
2 needs to be accomplished in order for the visits to be unsupervised.

3 (iii) If there are visits between the siblings, a description of the
4 location and length of the visits.

5 (iv) Any plan to increase visitation between the siblings.

6 (E) The impact of the sibling relationships on the child's
7 placement and planning for legal permanence.

8 The factors the court may consider as indicators of the nature of
9 the child's sibling relationships include, but are not limited to,
10 whether the siblings were raised together in the same home,
11 whether the siblings have shared significant common experiences
12 or have existing close and strong bonds, whether either sibling
13 expresses a desire to visit or live with his or her sibling, as
14 applicable, and whether ongoing contact is in the child's best
15 emotional interests.

16 (10) For a child who is ~~16~~ 14 years of age or older, and, effective
17 January 1, 2012, for a nonminor dependent, the services needed
18 to assist the child or nonminor dependent to make the transition
19 from foster care to ~~independent living~~ *successful adulthood*.

20 The reviewing body shall determine whether or not reasonable
21 efforts to make and finalize a permanent placement for the child
22 have been made.

23 Each licensed foster family agency shall submit reports for each
24 child in its care, custody, and control to the court concerning the
25 continuing appropriateness and extent of compliance with the
26 child's permanent plan, the extent of compliance with the case
27 plan, and the type and adequacy of services provided to the child.

28 (f) Unless their parental rights have been permanently
29 terminated, the parent or parents of the child are entitled to receive
30 notice of, and participate in, those hearings. It shall be presumed
31 that continued care is in the best interests of the child, unless the
32 parent or parents prove, by a preponderance of the evidence, that
33 further efforts at reunification are the best alternative for the child.
34 In those cases, the court may order that further reunification
35 services to return the child to a safe home environment be provided
36 to the parent or parents up to a period of six months, and family
37 maintenance services, as needed for an additional six months in
38 order to return the child to a safe home environment. On and after
39 January 1, 2012, this subdivision shall not apply to the parents of
40 a nonminor dependent.

(g) At the review conducted by the court and held at least every six months, regarding a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption, or, for an Indian child for whom parental rights are not being terminated and a tribal customary adoption is being considered, the county welfare department shall prepare and present to the court a report describing the following:

(1) The child's present placement.

(2) The child's current physical, mental, emotional, and educational status.

(3) If the child has not been placed with a prospective adoptive parent or guardian, identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The agency shall ask every child who is 10 years of age or older to identify any individuals who are important to him or her, consistent with the child's best interest, and may ask any child who is younger than 10 years of age to provide that information as appropriate. The agency shall make efforts to identify other individuals who are important to the child.

(4) Whether the child has been placed with a prospective adoptive parent or parents.

(5) Whether an adoptive placement agreement has been signed and filed.

(6) If the child has not been placed with a prospective adoptive parent or parents, the efforts made to identify an appropriate prospective adoptive parent or legal guardian, including, but not limited to, child-specific recruitment efforts and listing on an adoption exchange.

(7) Whether the final adoption order should include provisions for postadoptive sibling contact pursuant to Section 366.29.

(8) The progress of the search for an adoptive placement if one has not been identified.

(9) Any impediments to the adoption or the adoptive placement.

(10) The anticipated date by which the child will be adopted or placed in an adoptive home.

(11) The anticipated date by which an adoptive placement agreement will be signed.

1 (12) Recommendations for court orders that will assist in the
2 placement of the child for adoption or in the finalization of the
3 adoption.

4 The court shall determine whether or not reasonable efforts to
5 make and finalize a permanent placement for the child have been
6 made.

7 The court shall make appropriate orders to protect the stability
8 of the child and to facilitate and expedite the permanent placement
9 and adoption of the child.

10 (h) (1) At the review held pursuant to subdivision (d) for a child
11 in foster care, the court shall consider all permanency planning
12 options for the child including whether the child should be returned
13 to the home of the parent, placed for adoption, or, for an Indian
14 child, in consultation with the child's tribe, placed for tribal
15 customary adoption, or appointed a legal guardian, placed with a
16 fit and willing relative, or, if compelling reasons exist for finding
17 that none of the foregoing options are in the best interest of the
18 child and the child is 16 years of age or older, whether the child
19 should be placed in another planned permanent living arrangement.
20 The court shall order that a hearing be held pursuant to Section
21 366.26, unless it determines by clear and convincing evidence that
22 there is a compelling reason for determining that a hearing held
23 pursuant to Section 366.26 is not in the best interest of the child
24 because the child is being returned to the home of the parent, the
25 child is not a proper subject for adoption, or no one is willing to
26 accept legal guardianship as of the hearing date. If the county
27 adoption agency, or the department when it is acting as an adoption
28 agency, has determined it is unlikely that the child will be adopted
29 or one of the conditions described in paragraph (1) of subdivision
30 (c) of Section 366.26 applies, that fact shall constitute a compelling
31 reason for purposes of this subdivision. Only upon that
32 determination may the court order that the child remain in foster
33 care, without holding a hearing pursuant to Section 366.26. The
34 court shall make factual findings identifying any barriers to
35 achieving the permanent plan as of the hearing date. On and after
36 January 1, 2012, the nonminor dependent's legal status as an adult
37 is in and of itself a compelling reason not to hold a hearing pursuant
38 to Section 366.26.

39 (2) When the child is 16 years of age or older and in a planned
40 permanent living arrangement other than return home, adoption,

1 ~~legal guardianship, or placement with a fit and willing relative,~~
2 ~~another planned permanent living arrangement,~~ the court shall do
3 all of the following:

4 (A) Ask the child about his or her desired permanency outcome.

5 (B) Make a judicial determination explaining why, as of the
6 hearing date, another planned permanent living arrangement is the
7 best permanency plan for the child.

8 (C) State for the record the compelling reason or reasons why
9 it continues not to be in the best interest of the child to return home,
10 be placed for adoption, *be placed for tribal customary adoption*
11 *in the case of an Indian child*, be placed with a legal guardian, or
12 be placed with a fit and willing relative.

13 (3) *When the child is 16 years of age or older and is in another*
14 *planned permanent living arrangement, the social study prepared*
15 *for the hearing shall include a description of all of the following:*

16 (A) *The intensive and ongoing efforts to return the child to the*
17 *home of the parent, place the child for adoption, or establish a*
18 *legal guardianship, as appropriate.*

19 (B) *The steps taken to do both of the following:*

20 (i) *Ensure that the child's care provider is following the*
21 *reasonable and prudent parent standard.*

22 (ii) *Determine whether the child has regular, ongoing*
23 *opportunities to engage in age or developmentally appropriate*
24 *activities, including consulting with the child about opportunities*
25 *for the child to participate in those activities.*

26 (4) *When the child is under 16 years of age and has a permanent*
27 *plan of return home, adoption, legal guardianship, or placement*
28 *with a fit and willing relative, any barriers to achieving the*
29 *permanent plan and the efforts made by the agency address those*
30 *barriers.*

31 (i) If, as authorized by subdivision (h), the court orders a hearing
32 pursuant to Section 366.26, the court shall direct the agency
33 supervising the child and the county adoption agency, or the State
34 Department of Social Services when it is acting as an adoption
35 agency, to prepare an assessment as provided for in subdivision
36 (i) of Section 366.21 or subdivision (b) of Section 366.22. A
37 hearing held pursuant to Section 366.26 shall be held no later than
38 120 days from the date of the 12-month review at which it is
39 ordered, and at that hearing the court shall determine whether
40 adoption, tribal customary adoption, legal guardianship, *placement*

1 *with a fit and willing relative*, or, for a child 16 years of age or
2 older, another planned *permanent* living arrangement is the most
3 appropriate plan for the child. On and after January 1, 2012, a
4 hearing pursuant to Section 366.26 shall not be ordered if the child
5 is a nonminor dependent, unless the nonminor dependent is an
6 Indian child and tribal customary adoption is recommended as the
7 permanent plan. The court may order that a nonminor dependent
8 who otherwise is eligible pursuant to Section 11403 remain in a
9 planned, permanent living arrangement. At the request of the
10 nonminor dependent who has an established relationship with an
11 adult determined to be the nonminor dependent's permanent
12 connection, the court may order adoption of the nonminor
13 dependent pursuant to subdivision (f) of Section 366.31.

14 (j) The reviews conducted pursuant to subdivision (a) or (d)
15 may be conducted earlier than every six months if the court
16 determines that an earlier review is in the best interests of the child
17 or as court rules prescribe.

18 ~~SEC. 16.~~

19 *SEC. 15.* Section 366.31 of the Welfare and Institutions Code
20 is amended to read:

21 366.31. (a) If a review hearing is the last review hearing to be
22 held before the minor attains 18 years of age, the court shall ensure
23 all of the following:

24 (1) The minor's case plan includes a plan for the minor to satisfy
25 one or more of the participation conditions described in paragraphs
26 (1) to (5), inclusive, of subdivision (b) of Section 11403, so that
27 the minor is eligible to remain in foster care as a nonminor
28 dependent.

29 (2) The minor has been informed of his or her right to seek
30 termination of dependency jurisdiction pursuant to Section 391,
31 and understands the potential benefits of continued dependency.

32 (3) The minor is informed of his or her right to have dependency
33 reinstated pursuant to subdivision (e) of Section 388, and
34 understands the potential benefits of continued dependency.

35 (b) At the review hearing that occurs in the six-month period
36 prior to the minor's attaining 18 years of age, and at every
37 subsequent review hearing for the nonminor dependent, as
38 described in subdivision (v) of Section 11400, the report shall
39 describe all of the following:

1 (1) The minor's and nonminor's plans to remain in foster care
2 and plans to meet one or more of the participation conditions as
3 described in paragraphs (1) to (5), inclusive, of subdivision (b) of
4 Section 11403 to continue to receive AFDC-FC benefits as a
5 nonminor dependent.

6 (2) The efforts made and assistance provided to the minor and
7 nonminor by the social worker or the probation officer so that the
8 minor and nonminor will be able to meet the participation
9 conditions.

10 (3) Efforts toward completing the items described in paragraph
11 (2) of subdivision (e) of Section 391.

12 (c) The reviews conducted pursuant to this section for a
13 nonminor dependent shall be conducted in a manner that respects
14 the nonminor's status as a legal adult, focused on the goals and
15 services described in the youth's transitional independent living
16 case plan, as described in subdivision (y) of Section 11400,
17 including efforts made to maintain connections with caring and
18 permanently committed adults, and attended, as appropriate, by
19 additional participants invited by the nonminor dependent.

20 (d) For a nonminor dependent whose case plan is continued
21 court-ordered family reunification services pursuant to Section
22 361.6, the court shall consider whether the nonminor dependent
23 may safely reside in the home of the parent or guardian. If the
24 nonminor cannot reside safely in the home of the parent or guardian
25 or if it is not in the nonminor dependent's best interest to reside
26 in the home of the parent or guardian, the court must consider
27 whether to continue or terminate reunification services for the
28 parent or legal guardian.

29 (1) The review report shall include a discussion of all of the
30 following:

31 (A) Whether foster care placement continues to be necessary
32 and appropriate.

33 (B) The likely date by which the nonminor dependent may reside
34 safely in the home of the parent or guardian or will achieve
35 independence.

36 (C) Whether the parent or guardian and nonminor dependent
37 were actively involved in the development of the case plan.

38 (D) Whether the social worker or probation officer has provided
39 reasonable services designed to aid the parent or guardian to

1 overcome the problems that led to the initial removal of the
2 nonminor dependent.

3 (E) The extent of progress the parents or guardian have made
4 toward alleviating or mitigating the causes necessitating placement
5 in foster care.

6 (F) Whether the nonminor dependent and parent, parents, or
7 guardian are in agreement with the continuation of reunification
8 services.

9 (G) Whether continued reunification services are in the best
10 interest of the nonminor dependent.

11 (H) Whether there is a substantial probability that the nonminor
12 dependent will be able to safely reside in the home of the parent
13 or guardian by the next review hearing date.

14 (I) The efforts to maintain the nonminor's connections with
15 caring and permanently committed adults.

16 (J) The agency's compliance with the nonminor dependent's
17 transitional independent living case plan, including efforts to
18 finalize the nonminor's permanent plan and prepare the nonminor
19 dependent for independence.

20 (K) The progress in providing the information and documents
21 to the nonminor dependent as described in Section 391.

22 (2) The court shall inquire about the progress being made to
23 provide a permanent home for the nonminor, shall consider the
24 safety of the nonminor dependent, and shall determine all of the
25 following:

26 (A) The continuing necessity for, and appropriateness of, the
27 placement.

28 (B) Whether the agency has made reasonable efforts to maintain
29 relationships between the nonminor dependent and individuals
30 who are important to the nonminor dependent.

31 (C) The extent of the agency's compliance with the case plan
32 in making reasonable efforts or, in the case of an Indian child,
33 active efforts, as described in Section 361.7, to create a safe home
34 of the parent or guardian for the nonminor to reside in or to
35 complete whatever steps are necessary to finalize the permanent
36 placement of the nonminor dependent.

37 (D) The extent of the agency's compliance with the nonminor
38 dependent's transitional independent living case plan, including
39 efforts to finalize the youth's permanent plan and prepare the
40 nonminor dependent for independence.

1 (E) The adequacy of services provided to the parent or guardian
2 and to the nonminor dependent. The court shall consider the
3 progress in providing the information and documents to the
4 nonminor dependent as described in Section 391. The court shall
5 also consider the need for, and progress in providing, the assistance
6 and services described in Section 391.

7 (F) The extent of progress the parents or legal guardians have
8 made toward alleviating or mitigating the causes necessitating
9 placement in foster care.

10 (G) The likely date by which the nonminor dependent may
11 safely reside in the home of the parent or guardian or, if the court
12 is terminating reunification services, the likely date by which it is
13 anticipated the nonminor dependent will achieve independence,
14 or, for an Indian child, in consultation with the child's tribe, placed
15 for tribal customary adoption.

16 (H) Whether the agency has made reasonable efforts as required
17 in subparagraph (D) of paragraph (1) of subdivision (a) of Section
18 366 to establish or maintain the nonminor dependent's relationship
19 with his or her siblings who are under the juvenile court's
20 jurisdiction.

21 (I) The services needed to assist the nonminor dependent to
22 make the transition from foster care to ~~independent living~~.
23 *successful adulthood*.

24 (J) Whether or not reasonable efforts to make and finalize a
25 permanent placement for the nonminor have been made.

26 (3) If the court determines that a nonminor dependent may safely
27 reside in the home of the parent or former guardian, the court may
28 order the nonminor dependent to return to the family home. After
29 the nonminor dependent returns to the family home, the court may
30 terminate jurisdiction and proceed under applicable provisions of
31 Section 391 or continue jurisdiction as a nonminor under
32 subdivision (a) of Section 303 and hold hearings as follows:

33 (A) At every hearing for a nonminor dependent residing in the
34 home of the parent or guardian, the court shall set a hearing within
35 six months of the previous hearing. The court shall advise the
36 parties of their right to be present. At least 10 calendar days before
37 the hearing, the social worker or probation officer shall file a report
38 with the court describing the services offered to the family and the
39 progress made by the family in eliminating the conditions or factors

1 requiring court supervision. The report shall address all of the
2 following:

3 (i) Whether the parent or guardian and the nonminor dependent
4 were actively involved in the development of the case plan.

5 (ii) Whether the social worker or probation officer has provided
6 reasonable services to eliminate the need for court supervision.

7 (iii) The progress of providing information and documents to
8 the nonminor dependent as described in Section 391.

9 (B) The court shall inquire about progress being made, shall
10 consider the safety of the nonminor dependent, and shall determine
11 all of the following:

12 (i) The continuing need for court supervision.

13 (ii) The extent of the agency's compliance with the case plan
14 in making reasonable efforts to maintain a safe family home for
15 the nonminor dependent.

16 (C) If the court finds that court supervision is no longer
17 necessary, the court shall terminate jurisdiction under applicable
18 provisions of Section 391.

19 (e) For a nonminor dependent who is no longer receiving
20 court-ordered family reunification services and is in a permanent
21 plan of another planned permanent living arrangement, at the
22 review hearing held every six months pursuant to subdivision (d)
23 of Section 366.3, the reviewing body shall inquire about the
24 progress being made to provide permanent connections with caring,
25 committed adults for the nonminor dependent, shall consider the
26 safety of the nonminor, shall consider the transitional independent
27 living case plan, and shall determine all of the following:

28 (1) The continuing necessity for, and appropriateness of, the
29 placement.

30 (2) The continuing appropriateness and extent of compliance
31 with the permanent plan for the nonminor dependent, including
32 efforts to identify and maintain relationships with individuals who
33 are important to the nonminor dependent.

34 (3) The extent of the agency's compliance with the nonminor
35 dependent's transitional independent living case plan, including
36 whether or not reasonable efforts have been made to make and
37 finalize the youth's permanent plan and prepare the nonminor
38 dependent for independence.

39 (4) Whether a prospective adoptive parent has been identified
40 and assessed as appropriate for the nonminor dependent's adoption

1 under this section, whether the prospective adoptive parent has
2 been informed about the terms of the written negotiated adoption
3 assistance agreement pursuant to Section 16120, and whether
4 adoption should be ordered as the nonminor dependent's permanent
5 plan. If nonminor dependent adoption is ordered as the nonminor
6 dependent's permanent plan, a hearing pursuant to subdivision (f)
7 shall be held within 60 days. When the court orders a hearing
8 pursuant to subdivision (f), it shall direct the agency to prepare a
9 report that shall include the provisions of paragraph (5) of
10 subdivision (f).

11 (5) For the nonminor dependent who is an Indian child, whether,
12 in consultation with the nonminor's tribe, the nonminor should be
13 placed for tribal customary adoption.

14 (6) The adequacy of services provided to the nonminor
15 dependent. The court shall consider the progress in providing the
16 information and documents to the nonminor dependent as described
17 in Section 391. The court shall also consider the need for, and
18 progress in providing, the assistance and services described in
19 Section 391.

20 (7) The likely date by which it is anticipated the nonminor
21 dependent will achieve adoption or independence.

22 (8) Whether the agency has made reasonable efforts as required
23 in subparagraph (D) of paragraph (1) of subdivision (a) of Section
24 366 to establish or maintain the nonminor dependent's relationship
25 with his or her siblings who are under the juvenile court's
26 jurisdiction.

27 (9) The services needed to assist the nonminor dependent to
28 make the transition from foster care to ~~independent living~~.
29 *successful adulthood*.

30 (10) When the hearing described in this subdivision is ~~the~~
31 ~~permanency hearing~~ held pursuant to paragraph (3) or (4) of
32 subdivision (d) of Section ~~366~~, *366.3, and the nonminor dependent*
33 *has a permanent plan of another planned permanent living*
34 *arrangement*, the court shall do all of the following:

35 (A) Ask the nonminor dependent about his or her desired
36 permanency outcome.

37 (B) Make a judicial determination explaining why, as of the
38 hearing date, another planned permanent living arrangement is the
39 best permanency plan for the nonminor dependent.

1 (C) State for the record the compelling reason or reasons why
2 it continues not to be in the best interest of the nonminor dependent
3 to return home, be placed for adoption, *be placed for tribal*
4 *customary adoption in the case of an Indian child*, be placed with
5 a legal guardian, or be placed with a fit and willing relative.

6 (f) (1) At a hearing to consider a permanent plan of adoption
7 for a nonminor dependent, the court shall read and consider the
8 report in paragraph (5) and receive other evidence that the parties
9 may present. A copy of the executed negotiated agreement shall
10 be attached to the report. If the court finds pursuant to this section
11 that nonminor dependent adoption is the appropriate permanent
12 plan, it shall make findings and orders to do the following:

13 (A) Approve the adoption agreement and declare the nonminor
14 dependent is the adopted child of the adoptive parent, and that the
15 nonminor dependent and adoptive parents agree to assume toward
16 each other the legal relationship of parents and child and to have
17 all of the rights and be subject to all of the duties and
18 responsibilities of that relationship.

19 (B) Declare that the birth parents of the nonminor dependent
20 are, from the time of the adoption, relieved of all parental duties
21 toward, and responsibility for, the adopted nonminor dependent
22 and have no rights over the adopted nonminor dependent.

23 (2) If the court finds that the nonminor dependent and the
24 prospective adoptive parent have mutually consented to the
25 adoption, the court may enter the adoption order after it determines
26 all of the following:

27 (A) Whether the notice was given as required by law.

28 (B) Whether the nonminor dependent and prospective adoptive
29 parent are present for the hearing.

30 (C) Whether the court has read and considered the assessment
31 prepared by the social worker or probation officer.

32 (D) Whether the court considered the wishes of the nonminor
33 dependent.

34 (E) If the nonminor dependent is eligible, the prospective
35 adoptive parent has signed the negotiated adoption assistance
36 agreement pursuant to subdivision (g) of Section 16120, and
37 whether a copy of the executed negotiated agreement is attached
38 to the report.

39 (F) Whether the adoption is in the best interest of the nonminor
40 dependent.

1 (3) If the court orders the establishment of the nonminor
2 dependent adoption, it shall dismiss dependency or transitional
3 jurisdiction.

4 (4) If the court does not order the establishment of the nonminor
5 dependent adoption, the nonminor dependent shall remain in a
6 planned permanent living arrangement subject to periodic review
7 of the juvenile court pursuant to this section.

8 (5) At least 10 calendar days before the hearing, the social
9 worker or probation officer shall file a report with the court and
10 provide a copy of the report to all parties. The report shall describe
11 the following:

12 (A) Whether or not the nonminor dependent has any
13 developmental disability and whether the proposed adoptive parent
14 is suitable to meet the needs of the nonminor dependent.

15 (B) The length and nature of the relationship between the
16 prospective adoptive parent and the nonminor dependent, including
17 whether the prospective adoptive parent has been determined to
18 have been established as the nonminor's permanent connection.

19 (C) Whether the nonminor dependent has been determined to
20 be eligible for the adoption assistance program and, if so, whether
21 the prospective adoptive parent has signed the negotiated adoption
22 assistance agreement pursuant to subdivision (g) of Section 16120.

23 (D) Whether a copy of the executed negotiated agreement is
24 attached to the report.

25 (E) Whether criminal background clearances were completed
26 for the prospective adoptive parent as required by Section
27 671(a)(20)(A) and (a)(20)(C) of Title 42 of the United States Code.

28 (F) Whether the prospective adoptive parent who is married and
29 not legally separated from that spouse has the consent of the
30 spouse, provided that the spouse is capable of giving that consent.

31 (G) Whether the adoption of the nonminor dependent is in the
32 best interests of the nonminor dependent and the prospective
33 adoptive parent.

34 (H) Whether the nonminor dependent and the prospective
35 adoptive parent have mutually consented to the adoption.

36 (6) The social worker or probation officer shall serve written
37 notice of the hearing in the manner and to the persons set forth in
38 Section 295, including the prospective adoptive parent or parents,
39 except that notice to the nonminor's birth parents is not required.

(7) Nothing in this section shall prevent a nonminor dependent from filing an adoption petition pursuant to Section 9300 of the Family Code.

(g) Each licensed foster family agency shall submit reports for each nonminor dependent in its care to the court concerning the continuing appropriateness and extent of compliance with the nonminor dependent's permanent plan, the extent of compliance with the transitional independent living case plan, and the type and adequacy of services provided to the nonminor dependent. The report shall document that the nonminor has received all the information and documentation described in paragraph (2) of subdivision (e) of Section 391. If the court is considering terminating dependency jurisdiction for a nonminor dependent it shall first hold a hearing pursuant to Section 391.

(h) *When the nonminor dependent is in another planned permanent living arrangement, the social study prepared for the hearing held under subdivision (e) shall include a description of all of the following:*

(1) The intensive and ongoing efforts to return the nonminor dependent to the home of the parent, place the nonminor dependent for adoption, or place the nonminor dependent with a fit and willing relative, as appropriate.

(2) The steps taken to do both of the following:

(A) Ensure that the nonminor dependent's care provider is following the reasonable and prudent parent standard.

(B) Determine whether the nonminor dependent has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consulting with the nonminor dependent about opportunities for the nonminor dependent to participate in those activities.

~~SEC. 17.~~

SEC. 16. Section 706.5 of the Welfare and Institutions Code is amended to read:

706.5. (a) If placement in foster care is recommended by the probation officer, or where the minor is already in foster care placement or pending placement pursuant to an earlier order, the social study prepared by the probation officer that is received into evidence at disposition pursuant to Section 706 shall include a case plan, as described in Section 706.6. If the court elects to hold the first status review at the disposition hearing, the social study

1 shall also include, but not be limited to, the factual material
2 described in subdivision (c).

3 (b) If placement in foster care is not recommended by the
4 probation officer prior to disposition, but the court orders foster
5 care placement, the court shall order the probation officer to prepare
6 a case plan, as described in Section 706.6, within 30 days of the
7 placement order. The case plan shall be filed with the court.

8 (c) At each status review hearing, the social study shall include,
9 but not be limited to, an updated case plan as described in Section
10 706.6 and the following information:

11 (1) The continuing necessity for and appropriateness of the
12 placement.

13 (2) The extent of the probation department's compliance with
14 the case plan in making reasonable efforts to safely return the
15 minor to the minor's home or to complete whatever steps are
16 necessary to finalize the permanent placement of the minor.

17 (3) The extent of progress that has been made by the minor and
18 parent or guardian toward alleviating or mitigating the causes
19 necessitating placement in foster care.

20 (4) If the first permanency planning hearing has not yet occurred,
21 the social study shall include the likely date by which the minor
22 may be returned to and safely maintained in the home or placed
23 for adoption, appointed a legal guardian, permanently placed with
24 a fit and willing relative, or referred to another planned permanent
25 living arrangement.

26 (5) Whether the minor has been or will be referred to educational
27 services and what services the minor is receiving, including special
28 education and related services if the minor has exceptional needs
29 as described in Part 30 (commencing with Section 56000) of
30 Division 4 of Title 2 of the Education Code or accommodations
31 if the child has disabilities as described in Chapter 16 (commencing
32 with Section 701) of Title 29 of the United States Code Annotated.
33 The probation officer or child advocate shall solicit comments
34 from the appropriate local education agency prior to completion
35 of the social study.

36 (6) If the parent or guardian is unwilling or unable to participate
37 in making an educational or developmental services decision for
38 his or her child, or if other circumstances exist that compromise
39 the ability of the parent or guardian to make educational or
40 developmental services decisions for the child, the probation

1 department shall consider whether the right of the parent or
2 guardian to make educational or developmental services decisions
3 for the minor should be limited. If the study makes that
4 recommendation, it shall identify whether there is a responsible
5 adult available to make educational or developmental services
6 decisions for the minor pursuant to Section 726.

7 (7) When the minor is 16 years of age or older and in a planned
8 permanent living arrangement other than return home, adoption,
9 legal guardianship, or placement with a fit and willing relative,
10 another planned permanent living arrangement, the social study
11 shall include a description of all of the following:

12 (A) The intensive and ongoing efforts to return the minor to the
13 home of the parent, place the minor for adoption, or establish a
14 legal guardianship, as appropriate.

15 (B) The steps taken to do both of the following:

16 (i) Ensure that the minor's care provider is following the
17 reasonable and prudent parent standard.

18 (ii) ~~Ascertain~~ Determine whether the minor has regular, ongoing
19 opportunities to engage in age or developmentally appropriate
20 activities, including consulting with the minor about opportunities
21 for the minor to participate in the activities.

22 (8) When the minor is under 16 years of age and has a permanent
23 plan of return home, adoption, legal guardianship, or placement
24 with a fit and willing relative, the social study shall include a
25 description of any barriers to achieving the permanent plan and
26 the efforts made by the agency to address those barriers.

27 (d) At each permanency planning hearing, the social study shall
28 include, but not be limited to, an updated case plan as described
29 in Section 706.6, the factual material described in subdivision (c)
30 of this section, and a recommended permanent plan for the minor.

31 ~~SEC. 18.~~

32 *SEC. 17.* Section 706.6 of the Welfare and Institutions Code
33 is amended to read:

34 706.6. A case plan prepared as required by Section 706.5 shall
35 be submitted to the court. It shall either be attached to the social
36 study or incorporated as a separate section within the social study.
37 The case plan shall include, but not be limited to, the following
38 information:

1 (a) A description of the circumstances that resulted in the minor
2 being placed under the supervision of the probation department
3 and in foster care.

4 (b) An assessment of the minor's and family's strengths and
5 needs and the type of placement best equipped to meet those needs.

6 (c) A description of the type of home or institution in which the
7 minor is to be placed, including a discussion of the safety and
8 appropriateness of the placement. An appropriate placement is a
9 placement in the least restrictive, most family-like environment,
10 in closest proximity to the minor's home, that meets the minor's
11 best interests and special needs.

12 (d) Effective January 1, 2010, a case plan shall ensure the
13 educational stability of the child while in foster care and shall
14 include both of the following:

15 (1) Assurances that the placement takes into account the
16 appropriateness of the current educational setting and the proximity
17 to the school in which the child is enrolled at the time of placement.

18 (2) An assurance that the placement agency has coordinated
19 with appropriate local educational agencies to ensure that the child
20 remains in the school in which the child is enrolled at the time of
21 placement, or, if remaining in that school is not in the best interests
22 of the child, assurances by the placement agency and the local
23 educational agency to provide immediate and appropriate
24 enrollment in a new school and to provide all of the child's
25 educational records to the new school.

26 (e) Specific time-limited goals and related activities designed
27 to enable the safe return of the minor to his or her home, or in the
28 event that return to his or her home is not possible, activities
29 designed to result in permanent placement or emancipation.
30 Specific responsibility for carrying out the planned activities shall
31 be assigned to one or more of the following:

32 (1) The probation department.

33 (2) The minor's parent or parents or legal guardian or guardians,
34 as applicable.

35 (3) The minor.

36 (4) The foster parents or licensed agency providing foster care.

37 (f) The projected date of completion of the case plan objectives
38 and the date services will be terminated.

39 (g) (1) Scheduled visits between the minor and his or her family
40 and an explanation if no visits are made.

(2) Whether the child has other siblings, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and his or her siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, all of the following:

(i) The frequency and nature of the visits between the siblings.

(ii) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.

(iii) If there are visits between the siblings, a description of the location and length of the visits.

(iv) Any plan to increase visitation between the siblings.

(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(F) The continuing need to suspend sibling interaction, if applicable, pursuant to subdivision (c) of Section 16002.

(3) The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(h) (1) When placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the minor's parent or legal guardian or ~~out-of-state~~, *out of state*, the case plan shall specify the reasons why the placement is the most appropriate and is in the best interest of the minor.

(2) When an out-of-state group home placement is recommended or made, the case plan shall comply with Section 727.1 *of this code* and Section 7911.1 of the Family Code. In addition, documentation

1 of the recommendation of the multidisciplinary team and the
2 rationale for this particular placement shall be included. The case
3 plan shall also address what in-state services or facilities were used
4 or considered and why they were not recommended.

5 (i) If applicable, efforts to make it possible to place siblings
6 together, unless it has been determined that placement together is
7 not in the best interest of one or more siblings.

8 (j) A schedule of visits between the minor and the probation
9 officer, including a monthly visitation schedule for those children
10 placed in group homes.

11 (k) Health and education information about the minor, school
12 records, immunizations, known medical problems, and any known
13 medications the minor may be taking, names and addresses of the
14 minor's health and educational providers; the minor's grade level
15 performance; assurances that the minor's placement in foster care
16 takes into account proximity to the school in which the minor was
17 enrolled at the time of placement; and other relevant health and
18 educational information.

19 (l) When out-of-home services are used and the goal is
20 reunification, the case plan shall describe the services that were
21 provided to prevent removal of the minor from the home, those
22 services to be provided to assist in reunification and the services
23 to be provided concurrently to achieve legal permanency if efforts
24 to reunify fail.

25 (m) (1) The updated case plan prepared for a permanency
26 planning hearing shall include a recommendation for a permanent
27 plan for the minor. The identified permanent plan for a minor under
28 16 years of age shall be return home, adoption, legal guardianship,
29 or placement with a fit and willing relative. The case plan shall
30 identify any barriers to achieving legal permanence and the steps
31 the agency will take to address those barriers.

32 (2) If, after considering reunification, adoptive placement, legal
33 guardianship, or permanent placement with a fit and willing relative
34 the probation officer recommends placement in a planned
35 permanent living arrangement for a minor 16 years of age or older,
36 the case plan shall include documentation of a compelling reason
37 or reasons why termination of parental rights is not in the minor's
38 best interest. For purposes of this subdivision, a "compelling
39 reason" shall have the same meaning as in subdivision (c) of
40 Section 727.3. The case plan shall also identify the intensive and

1 ongoing efforts to return the minor to the home of the parent, place
2 the minor for adoption, establish a legal guardianship, or place the
3 minor with a fit and willing relative, as appropriate. Efforts shall
4 include the use of technology, including social media, to find
5 biological family members of the minor.

6 (n) Each updated case plan shall include a description of the
7 services that have been provided to the minor under the plan and
8 an evaluation of the appropriateness and effectiveness of those
9 services.

10 (o) A statement that the parent or legal guardian, and the minor
11 have had an opportunity to participate in the development of the
12 case plan, to review the case plan, to sign the case plan, and to
13 receive a copy of the plan, or an explanation about why the parent,
14 legal guardian, or minor was not able to participate or sign the case
15 plan.

16 (p) For a minor in out-of-home care who is 16 years of age or
17 older, a written description of the programs and services, which
18 will help the minor prepare for the transition from foster care to
19 ~~independent living~~ *successful adulthood*.

20 ~~SEC. 19.~~

21 *SEC. 18.* Section 727.2 of the Welfare and Institutions Code
22 is amended to read:

23 727.2. The purpose of this section is to provide a means to
24 monitor the safety and well-being of every minor in foster care
25 who has been declared a ward of the juvenile court pursuant to
26 Section 601 or 602 and to ensure that everything reasonably
27 possible is done to facilitate the safe and early return of the minor
28 to his or her home or to establish an alternative permanent plan
29 for the minor.

30 (a) If the court orders the care, custody, and control of the minor
31 to be under the supervision of the probation officer for placement
32 pursuant to subdivision (a) of Section 727, the juvenile court shall
33 order the probation department to ensure the provision of
34 reunification services to facilitate the safe return of the minor to
35 his or her home or the permanent placement of the minor, and to
36 address the needs of the minor while in foster care, except as
37 provided in subdivision (b).

38 (b) Reunification services need not be provided to a parent or
39 legal guardian if the court finds by clear and convincing evidence
40 that one or more of the following is true:

1 (1) Reunification services were previously terminated for that
2 parent or guardian, pursuant to Section 366.21, 366.22, or 366.25,
3 or not offered, pursuant to subdivision (b) of Section 361.5, in
4 reference to the same minor.

5 (2) The parent has been convicted of any of the following:

6 (A) Murder of another child of the parent.

7 (B) Voluntary manslaughter of another child of the parent.

8 (C) Aiding or abetting, attempting, conspiring, or soliciting to
9 commit that murder or manslaughter described in subparagraph
10 (A) or (B).

11 (D) A felony assault that results in serious bodily injury to the
12 minor or another child of the parent.

13 (3) The parental rights of the parent with respect to a sibling
14 have been terminated involuntarily, and it is not in the best interest
15 of the minor to reunify with his or her parent or legal guardian.

16 If no reunification services are offered to the parent or guardian,
17 the permanency planning hearing, as described in Section 727.3,
18 shall occur within 30 days of the date of the hearing at which the
19 decision is made not to offer services.

20 (c) The status of every minor declared a ward and ordered to
21 be placed in foster care shall be reviewed by the court no less
22 frequently than once every six months. The six-month time periods
23 shall be calculated from the date the minor entered foster care, as
24 defined in paragraph (4) of subdivision (d) of Section 727.4. If the
25 court so elects, the court may declare the hearing at which the court
26 orders the care, custody, and control of the minor to be under the
27 supervision of the probation officer for foster care placement
28 pursuant to subdivision (a) of Section 727 at the first status review
29 hearing. It shall be the duty of the probation officer to prepare a
30 written social study report including an updated case plan, pursuant
31 to subdivision (b) of Section 706.5, and submit the report to the
32 court prior to each status review hearing, pursuant to subdivision
33 (b) of Section 727.4. The social study report shall include all
34 reports the probation officer relied upon in making his or her
35 recommendations.

36 (d) Prior to any status review hearing involving a minor in the
37 physical custody of a community care facility or foster family
38 agency, the facility or agency may provide the probation officer
39 with a report containing its recommendations. Prior to any status
40 review hearing involving the physical custody of a foster parent,

1 relative caregiver, preadoptive parent, or legal guardian, that person
2 may present to the court a report containing his or her
3 recommendations. The court shall consider all reports and
4 recommendations filed pursuant to subdivision (c) and pursuant
5 to this subdivision.

6 (e) At any status review hearing prior to the first permanency
7 planning hearing, the court shall consider the safety of the minor
8 and make findings and orders which determine the following:

9 (1) The continuing necessity for and appropriateness of the
10 placement.

11 (2) The extent of the probation department's compliance with
12 the case plan in making reasonable efforts, or in the case of a child
13 16 years of age or older with ~~a permanent plan other than return~~
14 ~~home, adoption, legal guardianship, or placement with a fit and~~
15 ~~willing relative, another planned permanent living arrangement,~~
16 the ongoing and intensive efforts to safely return the minor to the
17 minor's home or to complete whatever steps are necessary to
18 finalize the permanent placement of the minor.

19 (3) Whether there should be any limitation on the right of the
20 parent or guardian to make educational decisions for the minor.
21 That limitation shall be specifically addressed in the court order
22 and may not exceed what is necessary to protect the minor. If the
23 court specifically limits the right of the parent or guardian to make
24 educational decisions for the minor, the court shall at the same
25 time appoint a responsible adult to make educational decisions for
26 the minor pursuant to Section 726.

27 (4) The extent of progress that has been made by the minor and
28 parent or guardian toward alleviating or mitigating the causes
29 necessitating placement in foster care.

30 (5) The likely date by which the minor may be returned to and
31 safely maintained in the home or placed for adoption, appointed
32 a legal guardian, permanently placed with a fit and willing relative,
33 or, if the minor is 16 years of age or older, referred to another
34 planned permanent living arrangement.

35 (6) In the case of a minor who has reached 16 years of age, the
36 court shall, in addition, determine the services needed to assist the
37 minor to make the transition from foster care to ~~independent living-~~
38 *successful adulthood*.

1 The court shall make these determinations on a case-by-case
2 basis and reference in its written findings the probation officer's
3 report and any other evidence relied upon in reaching its decision.

4 (f) At any status review hearing prior to the first permanency
5 hearing, after considering the admissible and relevant evidence,
6 the court shall order return of the minor to the physical custody of
7 his or her parent or legal guardian unless the court finds, by a
8 preponderance of evidence, that the return of the minor to his or
9 her parent or legal guardian would create a substantial risk of
10 detriment to the safety, protection, or physical or emotional
11 well-being of the minor. The probation department shall have the
12 burden of establishing that detriment. In making its determination,
13 the court shall review and consider the social study report,
14 recommendations, and the case plan pursuant to subdivision (b)
15 of Section 706.5, the report and recommendations of any child
16 advocate appointed for the minor in the case, and any other reports
17 submitted to the court pursuant to subdivision (d), and shall
18 consider the efforts or progress, or both, demonstrated by the minor
19 and family and the extent to which the minor availed himself or
20 herself of the services provided.

21 (g) At all status review hearings subsequent to the first
22 permanency planning hearing, the court shall consider the safety
23 of the minor and make the findings and orders as described in
24 paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The
25 court shall either make a finding that the previously ordered
26 permanent plan continues to be appropriate or shall order that a
27 new permanent plan be adopted pursuant to subdivision (b) of
28 Section 727.3. However, the court shall not order a permanent plan
29 of "return to the physical custody of the parent or legal guardian
30 after further reunification services are offered," as described in
31 paragraph (2) of subdivision (b) of Section 727.3.

32 (h) The status review hearings required by subdivision (c) may
33 be heard by an administrative review panel, provided that the
34 administrative panel meets all of the requirements listed in
35 subparagraph (B) of paragraph (7) of subdivision (d) of Section
36 727.4.

37 (i) (1) On and after January 1, 2012, at any status review hearing
38 at which a recommendation to terminate delinquency jurisdiction
39 is being considered, or at the status review hearing held closest to
40 the ward attaining 18 years of age, but no fewer than 90 days before

1 the ward's 18th birthday, the court shall consider whether to modify
2 its jurisdiction pursuant to Section 601 or 602 and assume transition
3 jurisdiction over the minor pursuant to Section 450. The probation
4 department shall address this issue in its report to the court and
5 make a recommendation as to whether transition jurisdiction is
6 appropriate for the minor.

7 (2) The court shall order the probation department or the minor's
8 attorney to submit an application to the child welfare services
9 department pursuant to Section 329 to declare the minor a
10 dependent of the court and modify its jurisdiction from delinquency
11 to dependency jurisdiction if it finds both of the following:

12 (A) The ward does not come within the description set forth in
13 Section 450, but jurisdiction as a ward may no longer be required.

14 (B) The ward appears to come within the description of Section
15 300 and cannot be returned home safely.

16 (3) The court shall set a hearing within 20 judicial days of the
17 date of its order issued pursuant to paragraph (2) to review the
18 decision of the child welfare services department and may either
19 affirm the decision not to file a petition pursuant to Section 300
20 or order the child welfare services department to file a petition
21 pursuant to Section 300.

22 (j) On and after January 1, 2012, if a review hearing pursuant
23 to this section is the last review hearing to be held before the minor
24 attains 18 years of age, the court shall ensure that the minor's
25 transitional independent living case plan includes a plan for the
26 minor to meet one or more of the criteria in paragraphs (1) to (5),
27 inclusive, of subdivision (b) of Section 11403, so that the minor
28 can become a nonminor dependent, and that the minor has been
29 informed of his or her right to decline to become a nonminor
30 dependent and to seek termination of the court's jurisdiction
31 pursuant to Section 607.2.

32 ~~SEC. 20.~~

33 *SEC. 19.* Section 727.3 of the Welfare and Institutions Code
34 is amended to read:

35 727.3. The purpose of this section is to provide a means to
36 monitor the safety and well-being of every minor in foster care
37 who has been declared a ward of the juvenile court pursuant to
38 Section 601 or 602 and to ensure that everything reasonably
39 possible is done to facilitate the safe and early return of the minor

1 to his or her own home or to establish an alternative permanent
2 plan for the minor.

3 (a) (1) For every minor declared a ward and ordered to be
4 placed in foster care, a permanency planning hearing shall be
5 conducted within 12 months of the date the minor entered foster
6 care, as defined in paragraph (4) of subdivision (d) of Section
7 727.4. Subsequent permanency planning hearings shall be
8 conducted periodically, but no less frequently than once every 12
9 months thereafter during the period of placement. It shall be the
10 duty of the probation officer to prepare a written social study report
11 including an updated case plan and a recommendation for a
12 permanent plan, pursuant to subdivision (c) of Section 706.5, and
13 submit the report to the court prior to each permanency planning
14 hearing, pursuant to subdivision (b) of Section 727.4.

15 (2) Prior to any permanency planning hearing involving a minor
16 in the physical custody of a community care facility or foster family
17 agency, the facility or agency may file with the court a report
18 containing its recommendations, in addition to the probation
19 officer's social study. Prior to any permanency planning hearing
20 involving the physical custody of a foster parent, relative caregiver,
21 preadoptive parent, or legal guardian, that person may present to
22 the court a report containing his or her recommendations. The
23 court shall consider all reports and recommendations filed pursuant
24 to this subdivision.

25 (3) If the minor has a continuing involvement with his or her
26 parents or legal guardians, the parents or legal guardians shall be
27 involved in the planning for a permanent placement. The court
28 order placing the minor in a permanent placement shall include a
29 specification of the nature and frequency of visiting arrangements
30 with the parents or legal guardians.

31 (4) At each permanency planning hearing, the court shall order
32 a permanent plan for the minor, as described in subdivision (b).
33 The court shall also make findings, as described in subdivision (e)
34 of Section 727.2. In the case of a minor who has reached 16 years
35 of age or older, the court shall, in addition, determine the services
36 needed to assist the minor to make the transition from foster care
37 to successful adulthood. The court shall make all of these
38 determinations on a case-by-case basis and make reference to the
39 probation officer's report, the case plan, or other evidence relied
40 upon in making its decisions.

1 (5) When the minor ~~16 years of age or older is in a planned~~
2 ~~permanent living arrangement other than return home, adoption,~~
3 ~~legal guardianship, or placement with a fit and willing relative, is~~
4 *16 years of age or older, and is in another planned permanent*
5 *living arrangement*, the court, at each permanency planning
6 hearing, shall do all of the following:

7 (A) Ask the minor about his or her desired permanency outcome.

8 (B) Make a judicial determination explaining why, as of the
9 hearing date, another planned permanent living arrangement is the
10 best permanency plan for the minor.

11 (C) State for the record the compelling reason or reasons why
12 it continues not to be in the best interest of the minor to return
13 home, be placed for adoption, be placed with a legal guardian, or
14 be placed with a fit and willing relative.

15 (b) At all permanency planning hearings, the court shall
16 determine the permanent plan for the minor. The court shall order
17 one of the following permanent plans, which are, in order of
18 priority:

19 (1) Return of the minor to the physical custody of the parent or
20 legal guardian. After considering the admissible and relevant
21 evidence, the court shall order the return of the minor to the
22 physical custody of his or her parent or legal guardian unless:

23 (A) Reunification services were not offered, pursuant to
24 subdivision (b) of Section 727.2.

25 (B) The court finds, by a preponderance of the evidence, that
26 the return of the minor to his or her parent or legal guardian would
27 create a substantial risk of detriment to the safety, protection, or
28 physical or emotional well-being of the minor. The probation
29 department shall have the burden of establishing that detriment.
30 In making its determination, the court shall review and consider
31 the social study report and recommendations pursuant to Section
32 706.5, the report and recommendations of any child advocate
33 appointed for the minor in the case, and any other reports submitted
34 pursuant to paragraph (2) of subdivision (a), and shall consider
35 the efforts or progress, or both, demonstrated by the minor and
36 family and the extent to which the minor availed himself or herself
37 of the services provided.

38 (2) Order that the permanent plan for the minor will be to return
39 the minor to the physical custody of the parent or legal guardian,
40 order further reunification services to be provided to the minor

1 and his or her parent or legal guardian for a period not to exceed
2 six months and continue the case for up to six months for a
3 subsequent permanency planning hearing, provided that the
4 subsequent hearing shall occur within 18 months of the date the
5 minor was originally taken from the physical custody of his or her
6 parent or legal guardian. The court shall continue the case only if
7 it finds that there is a substantial probability that the minor will be
8 returned to the physical custody of his or her parent or legal
9 guardian and safely maintained in the home within the extended
10 period of time or that reasonable services have not been provided
11 to the parent or guardian. For purposes of this section, in order to
12 find that there is a substantial probability that the minor will be
13 returned to the physical custody of his or her parent or legal
14 guardian, the court shall be required to find that the minor and his
15 or her parent or legal guardian have demonstrated the capacity and
16 ability to complete the objectives of the case plan.

17 The court shall inform the parent or legal guardian that if the
18 minor cannot be returned home by the next permanency planning
19 hearing, a proceeding pursuant to Section 727.31 may be initiated.

20 The court shall not continue the case for further reunification
21 services if it has been 18 months or more since the date the minor
22 was originally taken from the physical custody of his or her parent
23 or legal guardian.

24 (3) Identify adoption as the permanent plan and order that a
25 hearing be held within 120 days, pursuant to the procedures
26 described in Section 727.31. The court shall only set a hearing
27 pursuant to Section 727.31 if there is clear and convincing evidence
28 that reasonable services have been provided or offered to the
29 parents. When the court sets a hearing pursuant to Section 727.31,
30 it shall order that an adoption assessment report be prepared,
31 pursuant to subdivision (b) of Section 727.31.

32 (4) Order a legal guardianship, pursuant to procedures described
33 in subdivisions (c) to (f), inclusive, of Section 728.

34 (5) Place the minor with a fit and willing relative. "Placement
35 with a fit and willing relative" means placing the minor with an
36 appropriate *approved* relative ~~on a permanent basis~~. *who is willing*
37 *to provide a permanent and stable home for the minor, but is*
38 *unable or unwilling to become the legal guardian*. When a minor
39 is placed with a fit and willing relative, the court may authorize
40 the relative to provide the same legal consent for the minor's

1 medical, surgical, and dental care, and education as the custodial
2 parent of the minor.

3 (6) (A) If he or she is 16 years of age or older, place the minor
4 in ~~a another~~ planned permanent living arrangement. ~~A For~~
5 *purposes of this section*, “planned permanent living arrangement”
6 means any permanent living arrangement described in Section
7 11402 ~~and not that is ordered by the court for a minor 16 years of~~
8 *age or older when there is a compelling reason or reasons to*
9 *determine that it is not in the best interest of the minor to have any*
10 *permanent plan listed in paragraphs (1) to (5), inclusive, such as*
11 *inclusive. These plans include, but are not limited to*, placement
12 in a specific, identified foster family home, program, or facility
13 on a permanent basis, or placement in a transitional housing
14 placement facility. When the court places a minor in a planned
15 permanent living arrangement, the court shall specify the goal of
16 the placement, which may include, but shall not be limited to,
17 return home, ~~emancipation~~ *emancipation*, guardianship, or
18 permanent placement with a relative.

19 The court shall only order that the minor remain in a planned
20 permanent living arrangement if the court finds by clear and
21 convincing evidence, based upon the evidence already presented
22 to it that there is a compelling reason, as defined in subdivision
23 (c), for determining that a plan of termination of parental rights
24 and adoption is not in the best interest of the minor.

25 (B) If the minor is under 16 years of age and the court finds by
26 clear and convincing evidence, based upon the evidence already
27 presented to it, that there is a compelling reason, as defined in
28 subdivision (c), for determining that a plan of termination of
29 parental rights and adoption is not in the best interest of the minor
30 as of the hearing date, the court shall order the minor to remain in
31 a foster care placement with a permanent plan of return home,
32 adoption, legal guardianship, or placement with a fit and willing
33 ~~relative~~ *relative, as appropriate*. The court shall make factual
34 findings identifying any barriers to achieving the permanent plan
35 as of the hearing date.

36 (c) A compelling reason for determining that a plan of
37 termination of parental rights and adoption is not in the best interest
38 of the minor is any of the following:

39 (1) Documentation by the probation department that adoption
40 is not in the best interest of the minor and is not an appropriate

1 permanency goal. That documentation may include, but is not
2 limited to, documentation that:

3 (A) The minor is 12 years of age or older and objects to
4 termination of parental rights.

5 (B) The minor is 17 years of age or older and specifically
6 requests that transition to independent living with the identification
7 of a caring adult to serve as a lifelong connection be established
8 as his or her permanent plan. On and after January 1, 2012, this
9 includes a minor who requests that his or her transitional
10 independent living case plan include modification of his or her
11 jurisdiction to that of dependency jurisdiction pursuant to
12 subdivision (b) of Section 607.2 or subdivision (i) of Section 727.2,
13 or to that of transition jurisdiction pursuant to Section 450, in order
14 to be eligible as a nonminor dependent for the extended benefits
15 pursuant to Section 11403.

16 (C) The parent or guardian and the minor have a significant
17 bond, but the parent or guardian is unable to care for the minor
18 because of an emotional or physical disability, and the minor's
19 caregiver has committed to raising the minor to the age of majority
20 and facilitating visitation with the disabled parent or guardian.

21 (D) The minor agrees to continued placement in a residential
22 treatment facility that provides services specifically designed to
23 address the minor's treatment needs, and the minor's needs could
24 not be served by a less restrictive placement.

25 The probation department's recommendation that adoption is
26 not in the best interest of the minor shall be based on the present
27 family circumstances of the minor and shall not preclude a different
28 recommendation at a later date if the minor's family circumstances
29 change.

30 (2) Documentation by the probation department that no grounds
31 exist to file for termination of parental rights.

32 (3) Documentation by the probation department that the minor
33 is an unaccompanied refugee minor, or there are international legal
34 obligations or foreign policy reasons that would preclude
35 terminating parental rights.

36 (4) A finding by the court that the probation department was
37 required to make reasonable efforts to reunify the minor with the
38 family pursuant to subdivision (a) of Section 727.2, and did not
39 make those efforts.

1 (5) Documentation by the probation department that the minor
2 is living with a relative who is unable or unwilling to adopt the
3 minor because of exceptional circumstances that do not include
4 an unwillingness to accept legal or financial responsibility for the
5 minor, but who is willing and capable of providing the minor with
6 a stable and permanent home environment, and the removal of the
7 minor from the physical custody of his or her relative would be
8 detrimental to the minor's emotional well-being.

9 (d) Nothing in this section shall be construed to limit the ability
10 of a parent to voluntarily relinquish his or her child to the State
11 Department of Social Services when it is acting as an adoption
12 agency or to a county adoption agency at any time while the minor
13 is a ward of the juvenile court if the department or county adoption
14 agency is willing to accept the relinquishment.

15 (e) Any change in the permanent plan of a minor placed with a
16 fit and willing relative or in a planned permanent living
17 arrangement shall be made only by order of the court pursuant to
18 a Section 778 petition or at a regularly scheduled and noticed status
19 review hearing or permanency planning hearing. Any change in
20 the permanent plan of a minor placed in a guardianship shall be
21 made only by order of the court pursuant to a motion filed in
22 accordance with Section 728.

23 ~~SEC. 21.~~

24 *SEC. 20.* Section 10618.6 of the Welfare and Institutions Code
25 is amended to read:

26 10618.6. (a) (1) When a child in a foster care placement
27 reaches his or her 14th birthday, and each year thereafter, while
28 the child is under the jurisdiction of the juvenile court, the county
29 welfare department, county probation department, or, if an
30 automated process is available, the State Department of Social
31 Services, shall inquire of each of the three major credit reporting
32 agencies as to whether the child has any consumer credit history.

33 (2) If the State Department of Social Services makes the inquiry,
34 it shall notify the county welfare department or county probation
35 department in the county having jurisdiction over the child of the
36 results of that inquiry.

37 (3) Pursuant to the federal Child and Family Services
38 Improvement and Innovation Act (Public Law 112-34) and the
39 federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.), if
40 an inquiry performed pursuant to this subdivision indicates that a

1 child has a consumer credit history with any major credit reporting
2 agency, the responsible county welfare department or county
3 probation department shall request a consumer credit report from
4 that credit reporting agency.

5 (b) For a nonminor dependent, the county welfare department
6 or county probation department shall assist the young adult, on a
7 yearly basis while the nonminor dependent is under the jurisdiction
8 of the juvenile court, with requesting the consumer credit report
9 from each of the three major credit reporting agencies, pursuant
10 to the free annual disclosure provision of the federal Fair Credit
11 Reporting Act (15 U.S.C. Sec. 1681 et seq.).

12 (c) The county social worker or county probation officer shall
13 ensure that the child or nonminor dependent receives assistance
14 with interpreting the consumer credit report and resolving any
15 inaccuracies. The assistance may include, but is not limited to,
16 referring the youth to a governmental or nonprofit agency that
17 provides consumer credit services. This section does not require
18 the social worker or probation officer to be the individual providing
19 the direct assistance with interpreting the consumer credit
20 disclosure or resolving the inaccuracies.

21 (d) Notwithstanding any other law, in order to make an inquiry
22 or to request a consumer credit report for youth pursuant to this
23 section, the county welfare department, county probation
24 department, or, if an automated process is available, the State
25 Department of Social Services may release necessary information
26 to a credit reporting agency.

27 (e) No later than February 1, 2016, the State Department of
28 Social Services shall provide information to the Assembly
29 Committee on Budget, the Senate Budget and Fiscal Review
30 Committee, and the appropriate legislative policy committees
31 regarding the implementation of this section, including, but not
32 limited to, any state and county barriers to obtaining credit reports
33 as required by the federal Child and Family Services Improvement
34 and Innovation Act (Public Law 112-34).

35 ~~SEC. 22.~~

36 *SEC. 21.* Section 11386 of the Welfare and Institutions Code
37 is amended to read:

38 11386. Aid shall be provided under this article on behalf of a
39 child under 18 years of age, and to any eligible youth under 19

1 years of age, as provided in Section 11403, under all of the
2 following conditions:

3 (a) The child satisfies both of the following requirements:

4 (1) He or she has been removed from his or her home pursuant
5 to a voluntary placement agreement, or as a result of judicial
6 determination, including being adjudged a dependent child of the
7 court, pursuant to Section 300, or a ward of the court, pursuant to
8 Section 601 or 602, to the effect that continuation in the home
9 would be contrary to the welfare of the child.

10 (2) He or she has been eligible for federal foster care
11 maintenance payments under Article 5 (commencing with Section
12 11400) while residing for at least six consecutive months in the
13 approved home of the prospective relative guardian while under
14 the jurisdiction of the juvenile court or a voluntary placement
15 agreement.

16 (b) Being returned to the parental home or being adopted are
17 not appropriate permanency options for the child.

18 (c) The child demonstrates a strong attachment to the relative
19 guardian, and the relative guardian has a strong commitment to
20 caring permanently for the child and, with respect to the child who
21 has attained 12 years of age, the child has been consulted regarding
22 the kinship guardianship arrangement.

23 (d) The child has had a kinship guardianship established
24 pursuant to Section 360 or 366.26.

25 (e) The child has had his or her dependency jurisdiction
26 terminated pursuant to Section 366.3, or his or her wardship
27 terminated pursuant to subdivision (d) of Section 728, concurrently
28 or subsequently to the establishment of the kinship guardianship.

29 (f) If the conditions specified in subdivisions (a) to (e), inclusive,
30 are met and, subsequent to the termination of dependency
31 jurisdiction, any parent or person having an interest files with the
32 juvenile court a petition pursuant to Section 388 to change, modify,
33 or set aside an order of the court, Kin-GAP payments shall continue
34 unless and until the juvenile court orders the child removed from
35 the home of the guardian, terminates the guardianship, or maintains
36 dependency jurisdiction after the court concludes the hearing on
37 the petition filed under Section 388.

38 (g) A child or nonminor former dependent or ward shall be
39 eligible for Kin-GAP payments if he or she meets one of the
40 following age criteria:

1 (1) He or she is under 18 years of age.

2 (2) He or she is under 21 years of age and has a physical or
3 mental disability that warrants the continuation of assistance.

4 (3) Through December 31, 2011, he or she satisfies the
5 conditions of Section 11403, and on and after January 1, 2012, he
6 or she satisfies the conditions of Section 11403.01.

7 (4) He or she satisfies the conditions as described in subdivision
8 (h).

9 (h) Effective January 1, 2012, Kin-GAP payments shall continue
10 for youths who have attained 18 years of age and are under 19
11 years of age, if they reached 16 years of age before the Kin-GAP
12 negotiated agreement payments commenced, and as described in
13 Section 10103.5. Effective January 1, 2013, Kin-GAP payments
14 shall continue for youths who have attained 18 years of age and
15 are under 20 years of age, if they reached 16 years of age before
16 the Kin-GAP negotiated agreement payments commenced, and as
17 described in Section 10103.5. Effective January 1, 2014, Kin-GAP
18 payments shall continue for youths who have attained 18 years of
19 age and are under 21 years of age, if they reached 16 years of age
20 before the Kin-GAP negotiated agreement payments commenced.
21 To be eligible for continued payments, the youth shall satisfy one
22 or more of the conditions specified in paragraphs (1) to (5),
23 inclusive, of subdivision (b) of Section 11403.

24 (i) Termination of the guardianship with a kinship guardian
25 shall terminate eligibility for Kin-GAP, unless the conditions of
26 Section 11403 apply. However, if a successor guardian is appointed
27 pursuant to Section 366.3 who is also a kinship guardian, the
28 successor guardian shall be entitled to receive Kin-GAP on behalf
29 of the child pursuant to this article if the reason for the appointment
30 of the successor guardian is the death or incapacity of the kinship
31 guardian and the successor guardian is named in the kinship
32 guardianship assistance agreement or amendment to the agreement.
33 A new period of six months of placement with the successor
34 guardian shall not be required if that successor guardian has been
35 assessed pursuant to Sections 361.3 and 361.4 and the court
36 terminates dependency jurisdiction, subject to federal approval of
37 amendments to the state plan.

38 ~~SEC. 23.~~

39 *SEC. 22.* Section 16002 of the Welfare and Institutions Code
40 is amended to read:

1 16002. (a) (1) It is the intent of the Legislature to maintain
2 the continuity of the family unit, and ensure the preservation and
3 strengthening of the child's family ties by ensuring that when
4 siblings have been removed from their home, either as a group on
5 one occurrence or individually on separate occurrences, the siblings
6 will be placed in foster care together, unless it has been determined
7 that placement together is contrary to the safety or well-being of
8 any sibling. The Legislature recognizes that in order to ensure the
9 placement of a sibling group in the same foster care placement,
10 placement resources need to be expanded.

11 (2) It is also the intent of the Legislature to preserve and
12 strengthen a child's sibling relationship so that when a child has
13 been removed from his or her home and he or she has a sibling or
14 siblings who remain in the custody of a mutual parent subject to
15 the court's jurisdiction, the court has the authority to develop a
16 visitation plan for the siblings, unless it has been determined that
17 visitation is contrary to the safety or well-being of any sibling.

18 (b) The responsible local agency shall make a diligent effort in
19 all out-of-home placements of dependent children and wards in
20 foster care, including those with relatives, to place siblings together
21 in the same placement, and to develop and maintain sibling
22 relationships. If siblings are not placed together in the same home,
23 the social worker or probation officer shall explain why the siblings
24 are not placed together and what efforts he or she is making to
25 place the siblings together or why making those efforts would be
26 contrary to the safety and well-being of any of the siblings. When
27 placement of siblings together in the same home is not possible,
28 a diligent effort shall be made, and a case plan prepared, to provide
29 for ongoing and frequent interaction among siblings until family
30 reunification is achieved, or, if parental rights are terminated, as
31 part of developing the permanent plan for the child. If the court
32 determines by clear and convincing evidence that sibling interaction
33 is contrary to the safety and well-being of any of the siblings, the
34 reasons for the determination shall be noted in the court order, and
35 interaction shall be suspended.

36 (c) When there has been a judicial suspension of sibling
37 interaction, the reasons for the suspension shall be reviewed at
38 each periodic review hearing pursuant to Section 366 or 727.3. In
39 order for the suspension to continue, the court shall make a renewed
40 finding that sibling interaction is contrary to the safety or

1 well-being of either child. When the court determines that sibling
2 interaction can be safely resumed, that determination shall be noted
3 in the court order and the case plan shall be revised to provide for
4 sibling interaction.

5 (d) If the case plan for the child has provisions for sibling
6 interaction, the child, or his or her parent or legal guardian, shall
7 have the right to comment on those provisions. If a person wishes
8 to assert a sibling relationship with a dependent child or ward, he
9 or she may file a petition in the juvenile court having jurisdiction
10 over the dependent child pursuant to subdivision (b) of Section
11 388 or the ward in foster care pursuant to Section 778.

12 (e) If parental rights are terminated and the court orders a
13 dependent child or ward to be placed for adoption, the county
14 adoption agency or the State Department of Social Services shall
15 take all of the following steps to facilitate ongoing sibling contact,
16 except in those cases provided in subdivision (b) where the court
17 determines by clear and convincing evidence that sibling interaction
18 is contrary to the safety or well-being of the child:

19 (1) Include in training provided to prospective adoptive parents
20 information about the importance of sibling relationships to the
21 adopted child and counseling on methods for maintaining sibling
22 relationships.

23 (2) Provide prospective adoptive parents with information about
24 siblings of the child, except the address where the siblings of the
25 children reside. However, this address may be disclosed by court
26 order for good cause shown.

27 (3) Encourage prospective adoptive parents to make a plan for
28 facilitating postadoptive contact between the child who is the
29 subject of a petition for adoption and any siblings of this child.

30 (f) Information regarding sibling interaction, contact, or
31 visitation that has been authorized or ordered by the court shall be
32 provided to the foster parent, relative caretaker, or legal guardian
33 of the child as soon as possible after the court order is made, in
34 order to facilitate the interaction, contact, or visitation.

35 (g) As used in this section, “sibling” means a person related to
36 the identified child by blood, adoption, or affinity through a
37 common legal or biological parent.

38 (h) The court documentation on sibling placements required
39 under this section shall not require the modification of existing
40 court order forms until the ~~Child Welfare Services Case~~

1 ~~Management System~~ *Child Welfare Services/Case Management*
2 *System (CWS/CMS)* is implemented on a statewide basis.

3 ~~SEC. 24.~~

4 *SEC. 23.* Section 16003 of the Welfare and Institutions Code
5 is amended to read:

6 16003. (a) In order to promote the successful implementation
7 of the statutory preference for foster care placement with a relative
8 caretaker as set forth in Section 7950 of the Family Code, each
9 community college district with a foster care education program
10 shall make available orientation and training, pursuant to Sections
11 1522.44 and 1529.2 of the Health and Safety Code, to the relative
12 or nonrelative extended family member caregiver into whose care
13 the county has placed a foster child. The training shall include, but
14 is not limited to, courses that cover the following:

15 (1) The role, rights, and responsibilities of a relative or
16 nonrelative extended family member caregiver caring for a child
17 in foster care, including the right of a foster child to have fair and
18 equal access to all available services, placement, care, treatment,
19 and benefits, and to not be subjected to discrimination or
20 harassment on the basis of actual or perceived race, ethnic group
21 identification, ancestry, national origin, color, religion, sex, sexual
22 orientation, gender identity, mental or physical disability, or HIV
23 status.

24 (2) An overview of the child protective system.

25 (3) The effects of child abuse and neglect on child development.

26 (4) Positive discipline and the importance of self-esteem.

27 (5) Health issues in foster care.

28 (6) Accessing education and health services that are available
29 to foster children.

30 (7) Relationship and safety issues regarding contact with one
31 or both of the birth parents.

32 (8) Permanency options for relative or nonrelative extended
33 family member caregivers, including legal guardianship, the
34 Kinship Guardianship Assistance Payment Program, and kin
35 adoption.

36 (9) Information on resources available for those who meet
37 eligibility criteria, including out-of-home care payments, the
38 Medi-Cal program, in-home supportive services, and other similar
39 resources.

1 (10) Instruction on cultural competency and sensitivity relating
2 to, and best practices for, providing adequate care to lesbian, gay,
3 bisexual, and transgender youth in out-of-home care.

4 (11) Basic instruction on the existing laws and procedures
5 regarding the safety of foster youth at school and the ensuring of
6 a harassment and violence free school environment contained in
7 the California Student Safety and Violence Prevention Act of 2000
8 (Article 3.6 (commencing with Section 32228) of Chapter 2 of
9 Part 19 of Division 1 of Title 1 of the Education Code).

10 (12) Knowledge of, and skills related to, the application of the
11 reasonable and prudent parent standard for the participation of the
12 child in age or developmentally appropriate activities, as set forth
13 in Section 1522.44 of the Health and Safety Code.

14 (b) In addition to training made available pursuant to subdivision
15 (a), each community college district with a foster care education
16 program shall make training available to a relative or nonrelative
17 extended family member caregiver that includes, but need not be
18 limited to, courses that cover all of the following:

- 19 (1) Age-appropriate child development.
20 (2) Health issues in foster care.
21 (3) Positive discipline and the importance of self-esteem.
22 (4) Emancipation and independent living.
23 (5) Accessing education and health services available to foster
24 children.

25 (6) Relationship and safety issues regarding contact with one
26 or both of the birth parents.

27 (7) Permanency options for relative or nonrelative extended
28 family member caregivers, including legal guardianship, the
29 Kinship Guardianship Assistance Payment Program, and kin
30 adoption.

31 (8) Basic instruction on the existing laws and procedures
32 regarding the safety of foster youth at school and the ensuring of
33 a harassment and violence free school environment contained in
34 the California Student Safety and Violence Prevention Act of 2000
35 (Article 3.6 (commencing with Section 32228) of Chapter 2 of
36 Part 19 of Division 1 of Title 1 of the Education Code).

37 (9) Knowledge of, and skills related to, the application of the
38 reasonable and prudent parent standard for the participation of the
39 child in age or developmentally appropriate activities, as set forth
40 in Section 1522.44 of the Health and Safety Code.

1 (c) In addition to the requirements of subdivisions (a) and (b),
2 each community college district with a foster care education
3 program, in providing the orientation program, shall develop
4 appropriate program parameters in collaboration with the counties.

5 (d) Each community college district with a foster care education
6 program shall make every attempt to make the training and
7 orientation programs for relative or nonrelative extended family
8 member caregivers highly accessible in the communities in which
9 they reside.

10 (e) When a child is placed with a relative or nonrelative extended
11 family member caregiver, the county shall inform the caregiver
12 of the availability of training and orientation programs and it is
13 the intent of the Legislature that the county shall forward the names
14 and addresses of relative or nonrelative extended family member
15 caregivers to the appropriate community colleges providing the
16 training and orientation programs.

17 (f) This section shall not be construed to preclude counties from
18 developing or expanding existing training and orientation programs
19 for foster care providers to include relative or nonrelative extended
20 family member caregivers.

21 ~~SEC. 25.~~

22 *SEC. 24.* Section 16118 of the Welfare and Institutions Code
23 is amended to read:

24 16118. (a) The department shall establish and administer the
25 program to be carried out by the department or the county pursuant
26 to this chapter. The department shall adopt any regulations
27 necessary to carry out the provisions of this chapter.

28 (b) The department shall keep the records necessary to evaluate
29 the program's effectiveness in encouraging and promoting the
30 adoption of children eligible for the Adoption Assistance Program.

31 (c) The department or the county responsible for providing
32 financial aid in the amount determined in Section 16120 shall have
33 responsibility for certifying that the child meets the eligibility
34 criteria and for determining the amount of financial assistance
35 needed by the child and the adopting family.

36 (d) The department shall actively seek and make maximum use
37 of federal funds that may be available for the purposes of this
38 chapter. In accordance with federal law, any savings realized from
39 the change in federal funding for adoption assistance resulting
40 from the enactment of the federal Fostering Connections to Success

1 and Increasing Adoptions Act of 2008 (Public Law 110-351) shall
2 be spent for the provision of foster care and adoption services, and
3 the counties shall annually report to the department how these
4 savings are spent, including any expenditures for ~~post-adoption~~
5 *postadoption* services. Not less than 30 percent of these savings
6 shall be spent on postadoption services, postguardianship services,
7 and services to support and sustain positive permanent outcomes
8 for children who otherwise might enter into foster care. Of that
9 30-percent amount, at least two-thirds shall be spent on
10 postadoption and postguardianship services. The process for
11 submitting this information shall be developed by the department,
12 in consultation with counties. All gifts or grants received from
13 private sources for the purpose of this chapter shall be used to
14 offset public costs incurred under the program established by this
15 chapter.

16 (e) For purposes of this chapter, the county responsible for
17 determining the child's Adoption Assistance Program eligibility
18 status and for providing financial aid in the amount determined in
19 Sections 16120 and 16120.1 shall be the county that, at the time
20 of the adoptive placement, would otherwise be responsible for
21 making a payment pursuant to Section 11450 under the CalWORKs
22 program or Section 11461 under the Aid to Families with
23 Dependent Children-Foster Care program if the child were not
24 adopted. When the child has been voluntarily relinquished for
25 adoption prior to a determination of eligibility for this payment,
26 the responsible county shall be the county in which the
27 relinquishing parent resides. The responsible county for all other
28 eligible children shall be the county where the child is physically
29 residing prior to placement with the adoptive family. The
30 responsible county shall certify eligibility on a form prescribed by
31 the department.

32 (f) Beginning in the 2011–12 fiscal year, and for each fiscal
33 year thereafter, funding and expenditures for programs and
34 activities under this section shall be in accordance with the
35 requirements provided in Sections 30025 and 30026.5 of the
36 Government Code.

37 ~~SEC. 26.~~

38 *SEC. 25.* Section 16131 of the Welfare and Institutions Code
39 is amended to read:

1 16131. It is the intent of the Legislature to conform state
2 statutes to federal legislation, including the Preventing Sex
3 Trafficking and Strengthening Families Act (Public Law 113-183)
4 and the Adoption and Safe Families Act of 1997 (Public Law
5 105-89), and to reinvest any incentive payments received through
6 implementation of the federal act into the child welfare system in
7 order to provide adoption services and other legal permanency
8 options for children.

9 ~~SEC. 27.~~

10 *SEC. 26.* Section 16131.5 of the Welfare and Institutions Code
11 is amended to read:

12 16131.5. (a) The state shall reinvest adoption and guardianship
13 incentive payments received through the implementation of the
14 federal Fostering Connections to Success and Increasing Adoptions
15 Act of 2008 (Public Law 110-351) and the Preventing Sex
16 Trafficking and Strengthening Families Act (Public Law 113-183)
17 into the child welfare system, in order to provide legal permanency
18 outcomes for older children, including, but not limited to, adoption,
19 guardianship, and reunification of children whose reunification
20 services were previously terminated.

21 (b) The incentive payments received pursuant to subdivision
22 (a), upon appropriation by the Legislature in the annual Budget
23 Act or another statute, shall be allocated by the State Department
24 of Social Services to the counties, and the department for a county
25 in which the department serves as an adoption agency, based on
26 documented increases in legal permanency outcomes for older
27 children achieved by each county, as determined by the department,
28 in consultation with counties, for the purposes specified in this
29 section.

30 (c) A county, or the department when it acts as the adoption
31 agency for a county, shall use adoption and guardianship incentive
32 payment funds to improve or sustain legal permanency outcomes
33 for older children.

34 (d) Nothing in this section shall be construed to supplant funds
35 currently being spent on programs to provide legal permanency
36 outcomes.

37 *SEC. 27. Section 16501 of the Welfare and Institutions Code*
38 *is amended to read:*

39 16501. (a) As used in this chapter, “child welfare services”
40 means public social services which are directed toward the

1 accomplishment of any or all of the following purposes: protecting
2 and promoting the welfare of all children, including handicapped,
3 homeless, dependent, or neglected children; preventing or
4 remedying, or assisting in the solution of problems which may
5 result in, the neglect, abuse, exploitation, or delinquency of
6 children; preventing the unnecessary separation of children from
7 their families by identifying family problems, assisting families
8 in resolving their problems, and preventing breakup of the family
9 where the prevention of child removal is desirable and possible;
10 restoring to their families children who have been removed, by
11 the provision of services to the child and the families; identifying
12 children to be placed in suitable adoptive homes, in cases where
13 restoration to the biological family is not possible or appropriate;
14 and ensuring adequate care of children away from their homes, in
15 cases where the child cannot be returned home or cannot be placed
16 for adoption.

17 “Child welfare services” also means services provided on behalf
18 of children alleged to be the victims of child abuse, neglect, or
19 exploitation. The child welfare services provided on behalf of each
20 child represent a continuum of services, including emergency
21 response services, family preservation services, family maintenance
22 services, family reunification services, and permanent placement
23 services, including supportive transition services. The individual
24 child’s case plan is the guiding principle in the provision of these
25 services. The case plan shall be developed within a maximum of
26 60 days of the initial removal of the child or of the in-person
27 response required under subdivision (f) if the child has not been
28 removed from his or her home, or by the date of the dispositional
29 hearing pursuant to Section 358, whichever comes first.

30 (1) Child welfare services may include, but are not limited to,
31 a range of service-funded activities, including case management,
32 counseling, emergency shelter care, emergency in-home caretakers,
33 temporary in-home caretakers, respite care, therapeutic day
34 services, teaching and demonstrating homemakers, parenting
35 training, substance abuse testing, and transportation. These
36 service-funded activities shall be available to children and their
37 families in all phases of the child welfare program in accordance
38 with the child’s case plan and departmental regulations. Funding
39 for services is limited to the amount appropriated in the annual
40 Budget Act and other available county funds.

1 (2) Service-funded activities to be provided may be determined
2 by each county, based upon individual child and family needs as
3 reflected in the service plan.

4 (3) As used in this chapter, “emergency shelter care” means
5 emergency shelter provided to children who have been removed
6 pursuant to Section 300 from their parent or parents or their
7 guardian or guardians. The department may establish, by
8 regulation, the time periods for which emergency shelter care shall
9 be funded. For the purposes of this paragraph, “emergency shelter
10 care” may include “transitional shelter care facilities” as defined
11 in paragraph (11) of subdivision (a) of Section 1502 of the Health
12 and Safety Code.

13 (b) As used in this chapter, “respite care” means temporary care
14 for periods not to exceed 72 hours. This care may be provided to
15 the child’s parents or guardians. This care shall not be limited by
16 regulation to care over 24 hours. These services shall not be
17 provided for the purpose of routine, ongoing child care.

18 (c) The county shall provide child welfare services as needed
19 pursuant to an approved service plan and in accordance with
20 regulations promulgated, in consultation with the counties, by the
21 department. Counties may contract for service-funded activities
22 as defined in paragraph (1) of subdivision (a). Each county shall
23 use available private child welfare resources prior to developing
24 new county-operated resources when the private child welfare
25 resources are of at least equal quality and lesser or equal cost as
26 compared with county-operated resources. Counties shall not
27 contract for needs assessment, client eligibility determination, or
28 any other activity as specified by regulations of the State
29 Department of Social Services, except as specifically authorized
30 in Section 16100.

31 (d) Nothing in this chapter shall be construed to affect duties
32 which are delegated to probation officers pursuant to Sections 601
33 and 654.

34 (e) Any county may utilize volunteer individuals to supplement
35 professional child welfare services by providing ancillary support
36 services in accordance with regulations adopted by the State
37 Department of Social Services.

38 (f) As used in this chapter, emergency response services consist
39 of a response system providing in-person response, 24 hours a day,
40 seven days a week, to reports of abuse, neglect, or exploitation, as

1 required by Article 2.5 (commencing with Section 11164) of
2 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of
3 investigation pursuant to Section 11166 of the Penal Code and to
4 determine the necessity for providing initial intake services and
5 crisis intervention to maintain the child safely in his or her own
6 home or to protect the safety of the child. County welfare
7 departments shall respond to any report of imminent danger to a
8 child immediately and all other reports within 10 calendar days.
9 An in-person response is not required when the county welfare
10 department, based upon an evaluation of risk, determines that an
11 in-person response is not appropriate. This evaluation includes
12 collateral, contacts, a review of previous referrals, and other
13 relevant information, as indicated.

14 (g) As used in this chapter, family maintenance services are
15 activities designed to provide in-home protective services to
16 prevent or remedy neglect, abuse, or exploitation, for the purposes
17 of preventing separation of children from their families.

18 (h) As used in this chapter, family reunification services are
19 activities designed to provide time-limited foster care services to
20 prevent or remedy neglect, abuse, or exploitation, when the child
21 cannot safely remain at home, and needs temporary foster care,
22 while services are provided to reunite the family.

23 (i) (1) As used in this chapter, permanent placement services
24 are activities designed to provide an alternate permanent family
25 structure for children who because of abuse, neglect, or exploitation
26 cannot safely remain at home and who are unlikely to ever return
27 home. These services shall be provided on behalf of children for
28 whom there has been a judicial determination of a permanent plan
29 for adoption, legal guardianship, ~~or long-term foster care;~~
30 *placement with a fit and willing relative, or continued foster care*
31 *placement*, and, as needed, shall include supportive transition
32 services to nonminor dependents, as described in subdivision (v)
33 of Section 11400.

34 (2) *For purposes of this section, “another planned permanent*
35 *living arrangement” means a permanent plan ordered by the court*
36 *for a child 16 years of age or older or a nonminor dependent, when*
37 *there is a compelling reason or reasons to determine that it is not*
38 *in the best interest of the child or nonminor dependent to return*
39 *home, be placed for adoption, be placed for tribal customary*
40 *adoption in the case of an Indian child, or be placed with a fit and*

1 *willing relative. Placement in a group home, or, on and after*
2 *January 1, 2017, a short-term residential treatment facility, shall*
3 *not be the identified permanent plan for any child or nonminor*
4 *dependent.*

5 (j) As used in this chapter, family preservation services include
6 those services specified in Section 16500.5 to avoid or limit
7 out-of-home placement of children, and may include those services
8 specified in that section to place children in the least restrictive
9 environment possible.

10 (k) (1) (A) In any county electing to implement this
11 subdivision, all county welfare department employees who have
12 frequent and routine contact with children shall, by February 1,
13 1997, and all welfare department employees who are expected to
14 have frequent and routine contact with children and who are hired
15 on or after January 1, 1996, and all such employees whose duties
16 change after January 1, 1996, to include frequent and routine
17 contact with children, shall, if the employees provide services to
18 children who are alleged victims of abuse, neglect, or exploitation,
19 sign a declaration under penalty of perjury regarding any prior
20 criminal conviction, and shall provide a set of fingerprints to the
21 county welfare director.

22 (B) The county welfare director shall secure from the
23 Department of Justice a criminal record to determine whether the
24 employee has ever been convicted of a crime other than a minor
25 traffic violation. The Department of Justice shall deliver the
26 criminal record to the county welfare director.

27 (C) If it is found that the employee has been convicted of a
28 crime, other than a minor traffic violation, the county welfare
29 director shall determine whether there is substantial and convincing
30 evidence to support a reasonable belief that the employee is of
31 good character so as to justify frequent and routine contact with
32 children.

33 (D) No exemption shall be granted pursuant to subparagraph
34 (C) if the person has been convicted of a sex offense against a
35 minor, or has been convicted of an offense specified in Section
36 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in
37 paragraph (1) of Section 273a of, or subdivision (a) or (b) of
38 Section 368 of, the Penal Code, or has been convicted of an offense
39 specified in subdivision (c) of Section 667.5 of the Penal Code.

1 The county welfare director shall suspend such a person from any
2 duties involving frequent and routine contact with children.

3 (E) Notwithstanding subparagraph (D), the county welfare
4 director may grant an exemption if the employee or prospective
5 employee, who was convicted of a crime against an individual
6 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5
7 of the Penal Code, has been rehabilitated as provided in Section
8 4852.03 of the Penal Code and has maintained the conduct required
9 in Section 4852.05 of the Penal Code for at least 10 years and has
10 the recommendation of the district attorney representing the
11 employee's or prospective employee's county of residence, or if
12 the employee or prospective employee has received a certificate
13 of rehabilitation pursuant to Chapter 3.5 (commencing with Section
14 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the
15 county welfare director may give the employee or prospective
16 employee an opportunity to explain the conviction and shall
17 consider that explanation in the evaluation of the criminal
18 conviction record.

19 (F) If no criminal record information has been recorded, the
20 county welfare director shall cause a statement of that fact to be
21 included in that person's personnel file.

22 (2) For purposes of this subdivision, a conviction means a plea
23 or verdict of guilty or a conviction following a plea of nolo
24 contendere. Any action which the county welfare director is
25 permitted to take following the establishment of a conviction may
26 be taken when the time for appeal has elapsed, or the judgment of
27 conviction has been affirmed on appeal or when an order granting
28 probation is made suspending the imposition of sentence,
29 notwithstanding a subsequent order pursuant to Sections 1203.4
30 and 1203.4a of the Penal Code permitting the person to withdraw
31 his or her plea of guilty and to enter a plea of not guilty, or setting
32 aside the verdict of guilty, or dismissing the accusation,
33 information, or indictment. For purposes of this subdivision, the
34 record of a conviction, or a copy thereof certified by the clerk of
35 the court or by a judge of the court in which the conviction
36 occurred, shall be conclusive evidence of the conviction.

37 SEC. 28. Section 16501.1 of the Welfare and Institutions Code
38 is amended to read:

1 16501.1. (a) (1) The Legislature finds and declares that the
2 foundation and central unifying tool in child welfare services is
3 the case plan.

4 (2) The Legislature further finds and declares that a case plan
5 ensures that the child receives protection and safe and proper care
6 and case management, and that services are provided to the child
7 and parents or other caretakers, as appropriate, in order to improve
8 conditions in the parent's home, to facilitate the safe return of the
9 child to a safe home or the permanent placement of the child, and
10 to address the needs of the child while in foster care.

11 (b) (1) A case plan shall be based upon the principles of this
12 section and shall document that a preplacement assessment of the
13 service needs of the child and family, and preplacement preventive
14 services, have been provided, and that reasonable efforts to prevent
15 out-of-home placement have been made.

16 (2) In determining the reasonable services to be offered or
17 provided, the child's health and safety shall be the paramount
18 concerns.

19 (3) Upon a determination pursuant to paragraph (1) of
20 subdivision (e) of Section 361.5 that reasonable services will be
21 offered to a parent who is incarcerated in a county jail or state
22 prison, detained by the United States Department of Homeland
23 Security, or deported to his or her country of origin, the case plan
24 shall include information, to the extent possible, about a parent's
25 incarceration in a county jail or the state prison, detention by the
26 United States Department of Homeland Security, or deportation
27 during the time that a minor child of that parent is involved in
28 dependency care.

29 (4) Reasonable services shall be offered or provided to make it
30 possible for a child to return to a safe home environment, unless,
31 pursuant to subdivisions (b) and (e) of Section 361.5, the court
32 determines that reunification services shall not be provided.

33 (5) If reasonable services are not ordered, or are terminated,
34 reasonable efforts shall be made to place the child in a timely
35 manner in accordance with the permanent plan and to complete
36 all steps necessary to finalize the permanent placement of the child.

37 (c) (1) If out-of-home placement is used to attain case plan
38 goals, the case plan shall include a description of the type of home
39 or institution in which the child is to be placed, and the reasons
40 for that placement decision. The decision regarding choice of

1 placement shall be based upon selection of a safe setting that is
2 the least restrictive or most familylike and the most appropriate
3 setting that is available and in close proximity to the parent's home,
4 proximity to the child's school, and consistent with the selection
5 of the environment best suited to meet the child's special needs
6 and best interests. The selection shall consider, in order of priority,
7 placement with relatives, nonrelated extended family members,
8 tribal members, and foster family homes, certified homes of foster
9 family agencies, intensive treatment or multidimensional treatment
10 foster care homes, group care placements, such as group homes
11 and community treatment facilities, and residential treatment
12 pursuant to Section 7950 of the Family Code.

13 (2) If a group care placement is selected for a child, the case
14 plan shall indicate the needs of the child that necessitate this
15 placement, the plan for transitioning the child to a less restrictive
16 environment, and the projected timeline by which the child will
17 be transitioned to a less restrictive environment. This section of
18 the case plan shall be reviewed and updated at least semiannually.

19 (3) On or after January 1, 2012, for a nonminor dependent, as
20 defined in subdivision (v) of Section 11400, who is receiving
21 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
22 in addition to the above requirements, the selection of the
23 placement, including a supervised independent living placement,
24 as described in subdivision (w) of Section 11400, shall also be
25 based upon the developmental needs of young adults by providing
26 opportunities to have incremental responsibilities that prepare a
27 nonminor dependent to transition to successful adulthood. If
28 admission to, or continuation in, a group home placement is being
29 considered for a nonminor dependent, the group home placement
30 approval decision shall include a youth-driven, team-based case
31 planning process, as defined by the department, in consultation
32 with stakeholders. The case plan shall consider the full range of
33 placement options, and shall specify why admission to, or
34 continuation in, a group home placement is the best alternative
35 available at the time to meet the special needs or well-being of the
36 nonminor dependent, and how the placement will contribute to the
37 nonminor dependent's transition to successful adulthood. The case
38 plan shall specify the treatment strategies that will be used to
39 prepare the nonminor dependent for discharge to a less restrictive
40 and more familylike setting, including a target date for discharge

from the group home placement. The placement shall be reviewed and updated on a regular, periodic basis to ensure that continuation in the group home remains in the best interests of the nonminor dependent and that progress is being made in achieving case plan goals leading to successful adulthood. The group home placement planning process shall begin as soon as it becomes clear to the county welfare department or probation office that a foster child in group home placement is likely to remain in group home placement on his or her 18th birthday, in order to expedite the transition to a less restrictive and more familylike setting if he or she becomes a nonminor dependent. The case planning process shall include informing the youth of all of his or her options, including, but not limited to, admission to or continuation in a group home placement. Consideration for continuation of existing group home placement for a nonminor dependent under 19 years of age may include the need to stay in the same placement in order to complete high school. After a nonminor dependent either completes high school or attains his or her 19th birthday, whichever is earlier, continuation in or admission to a group home is prohibited unless the nonminor dependent satisfies the conditions of paragraph (5) of subdivision (b) of Section 11403, and group home placement functions as a short-term transition to the appropriate system of care. Treatment services provided by the group home placement to the nonminor dependent to alleviate or ameliorate the medical condition, as described in paragraph (5) of subdivision (b) of Section 11403, shall not constitute the sole basis to disqualify a nonminor dependent from the group home placement.

(4) In addition to the requirements of paragraphs (1) to (3), inclusive, and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school of origin, and school attendance area, the number of school transfers the child has previously experienced, and the child's school matriculation schedule, in addition to other indicators of educational stability that the Legislature hereby encourages the State Department of Social Services and the State Department of Education to develop.

(d) A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Sections 364, 366, 366.3, and 366.31, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(1) It is the intent of the Legislature that extending the maximum time available for preparing a written case plan from 30 to 60 days will afford caseworkers time to actively engage families, and to solicit and integrate into the case plan the input of the child and the child's family, as well as the input of relatives and other interested parties.

(2) The extension of the maximum time available for preparing a written case plan from the 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the ~~Child Welfare Services Case Management System~~ *Child Welfare Services/Case Management System (CWS/CMS)* to account for the 60-day timeframe for preparing a written case plan.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention. The child shall be involved in developing the case plan as age and developmentally appropriate.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section

1 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
2 conditions cited as the basis for declaring the child a dependent of
3 the court pursuant to Section 300, or all of these, and the other
4 precipitating incidents that led to child welfare services
5 intervention.

6 (4) The case plan shall include a description of the schedule of
7 the placement agency contacts with the child and the family or
8 other caretakers. The frequency of these contacts shall be in
9 accordance with regulations adopted by the State Department of
10 Social Services. If the child has been placed in foster care out of
11 state, the county social worker or probation officer, or a social
12 worker or probation officer on the staff of the agency in the state
13 in which the child has been placed, shall visit the child in a foster
14 family home or the home of a relative, consistent with federal law
15 and in accordance with the department's approved state plan. For
16 children in out-of-state group home facilities, visits shall be
17 conducted at least monthly, pursuant to Section 16516.5. At least
18 once every six months, at the time of a regularly scheduled
19 placement agency contact with the foster child, the child's social
20 worker or probation officer shall inform the child of his or her
21 rights as a foster child, as specified in Section 16001.9. The social
22 worker or probation officer shall provide the information to the
23 child in a manner appropriate to the age or developmental level of
24 the child.

25 (5) (A) When out-of-home services are used, the frequency of
26 contact between the natural parents or legal guardians and the child
27 shall be specified in the case plan. The frequency of those contacts
28 shall reflect overall case goals, and consider other principles
29 outlined in this section.

30 (B) Information regarding any court-ordered visitation between
31 the child and the natural parents or legal guardians, and the terms
32 and conditions needed to facilitate the visits while protecting the
33 safety of the child, shall be provided to the child's out-of-home
34 caregiver as soon as possible after the court order is made.

35 (6) When out-of-home placement is made, the case plan shall
36 include provisions for the development and maintenance of sibling
37 relationships as specified in subdivisions (b), (c), and (d) of Section
38 16002. If appropriate, when siblings who are dependents of the
39 juvenile court are not placed together, the social worker for each
40 child, if different, shall communicate with each of the other social

workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) Effective January 1, 2010, a case plan shall ensure the educational stability of the child while in foster care and shall include both of the following:

(A) An assurance that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

(B) An assurance that the placement agency has coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.

1 (9) (A) If out-of-home services are used, or if parental rights
2 have been terminated and the case plan is placement for adoption,
3 the case plan shall include a recommendation regarding the
4 appropriateness of unsupervised visitation between the child and
5 any of the child's siblings. This recommendation shall include a
6 statement regarding the child's and the siblings' willingness to
7 participate in unsupervised visitation. If the case plan includes a
8 recommendation for unsupervised sibling visitation, the plan shall
9 also note that information necessary to accomplish this visitation
10 has been provided to the child or to the child's siblings.

11 (B) Information regarding the schedule and frequency of the
12 visits between the child and siblings, as well as any court-ordered
13 terms and conditions needed to facilitate the visits while protecting
14 the safety of the child, shall be provided to the child's out-of-home
15 caregiver as soon as possible after the court order is made.

16 (10) If out-of-home services are used and the goal is
17 reunification, the case plan shall describe the services to be
18 provided to assist in reunification and the services to be provided
19 concurrently to achieve legal permanency if efforts to reunify fail.
20 The plan shall also consider in-state and out-of-state placements,
21 the importance of developing and maintaining sibling relationships
22 pursuant to Section 16002, and the desire and willingness of the
23 caregiver to provide legal permanency for the child if reunification
24 is unsuccessful.

25 (11) If out-of-home services are used, the child has been in care
26 for at least 12 months, and the goal is not adoptive placement, the
27 case plan shall include documentation of the compelling reason
28 or reasons why termination of parental rights is not in the child's
29 best interest. A determination completed or updated within the
30 past 12 months by the department when it is acting as an adoption
31 agency or by a licensed adoption agency that it is unlikely that the
32 child will be adopted, or that one of the conditions described in
33 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
34 be deemed a compelling reason.

35 (12) (A) Parents and legal guardians shall have an opportunity
36 to review the case plan, and to sign it whenever possible, and then
37 shall receive a copy of the plan. In a voluntary service or placement
38 agreement, the parents or legal guardians shall be required to
39 review and sign the case plan. Whenever possible, parents and
40 legal guardians shall participate in the development of the case

1 plan. Commencing January 1, 2012, for nonminor dependents, as
2 defined in subdivision (v) of Section 11400, who are receiving
3 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
4 to Section 11403, the transitional independent living case plan, as
5 set forth in subdivision (y) of Section 11400, shall be developed
6 with, and signed by, the nonminor.

7 (B) Parents and legal guardians shall be advised that, pursuant
8 to Section 1228.1 of the Evidence Code, neither their signature on
9 the child welfare services case plan nor their acceptance of any
10 services prescribed in the child welfare services case plan shall
11 constitute an admission of guilt or be used as evidence against the
12 parent or legal guardian in a court of law. However, they shall also
13 be advised that the parent's or guardian's failure to cooperate,
14 except for good cause, in the provision of services specified in the
15 child welfare services case plan may be used in any hearing held
16 pursuant to Section 366.21, 366.22, or 366.25 of this code as
17 evidence.

18 (13) A child shall be given a meaningful opportunity to
19 participate in the development of the case plan and state his or her
20 preference for foster care placement. A child who is 12 years of
21 age or older and in a permanent placement shall also be given the
22 opportunity to review the case plan, sign the case plan, and receive
23 a copy of the case plan.

24 (14) The case plan shall be included in the court report and shall
25 be considered by the court at the initial hearing and each review
26 hearing. Modifications to the case plan made during the period
27 between review hearings need not be approved by the court if the
28 casework supervisor for that case determines that the modifications
29 further the goals of the plan. If out-of-home services are used with
30 the goal of family reunification, the case plan shall consider and
31 describe the application of subdivision (b) of Section 11203.

32 (15) (A) If the case plan has as its goal for the child a permanent
33 plan of adoption or legal guardianship, it shall include a statement
34 of the child's wishes regarding their permanent placement plan
35 and an assessment of those stated wishes. The agency shall also
36 include documentation of the steps the agency is taking to find an
37 adoptive family or other permanent living arrangements for the
38 child; to place the child with an adoptive family, an appropriate
39 and willing relative, or a legal guardian, and to finalize the adoption
40 or legal guardianship. At a minimum, the documentation shall

1 include child-specific recruitment efforts, such as the use of state,
2 regional, and national adoption exchanges, including electronic
3 exchange systems, when the child has been freed for adoption.
4 Regardless of whether the child has been freed for adoption,
5 documentation shall include a description of any barriers to
6 achieving legal permanence and the steps the agency will take to
7 address those barriers. If the plan is for kinship guardianship, the
8 case plan shall document how the child meets the kinship
9 guardianship eligibility requirements.

10 (B) When the child is 16 years of age or older and is in a planned
11 permanent living arrangement other than return home, adoption,
12 legal guardianship, or placement with a fit and willing relative,
13 *another planned permanent living arrangement*, the case plan shall
14 identify the intensive and ongoing efforts to return the child to the
15 home of the parent, place the child for adoption, *place the child*
16 *for tribal customary adoption in the case of an Indian child*,
17 establish a legal guardianship, or place the child nonminor
18 dependent with a fit and willing relative, as appropriate. Efforts
19 shall include the use of technology, including social media, to find
20 biological family members of the child.

21 (16) (A) ~~When~~ (i) *For a child who is 14 or 15 years of age,*
22 *the case plan shall include a written description of the programs*
23 *and services that will help the child, consistent with the child's*
24 *best interests, to prepare for the transition from foster care to*
25 *successful adulthood. The description may be included in the*
26 *document described in subparagraph (A) of paragraph (18).*

27 (ii) When appropriate, for a child who is 16 years of age or older
28 and, commencing January 1, 2012, for a nonminor dependent, the
29 case plan shall include the transitional independent living plan
30 (TILP), a written description of the programs and services that
31 will help the child, consistent with the child's best interests, to
32 prepare for the transition from foster care to successful adulthood,
33 and, in addition, whether the youth has an in-progress application
34 pending for Title XVI Supplemental Security Income benefits or
35 for Special Immigrant Juvenile Status or other applicable
36 application for legal residency and an active dependency case is
37 required for that application. When appropriate, for a nonminor
38 dependent, the transitional independent living case plan, as
39 described in subdivision (v) of Section 11400, shall include the
40 TILP, a written description of the programs and services that will

1 help the nonminor dependent, consistent with his or her best
2 interests, to prepare for transition from foster care and assist the
3 youth in meeting the eligibility criteria set forth in paragraphs (1)
4 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
5 the case plan shall describe the individualized supervision provided
6 in the supervised independent living placement as defined in
7 subdivision (w) of Section 11400. The case plan shall be developed
8 with the child or nonminor dependent and individuals identified
9 as important to the child or nonminor dependent, and shall include
10 steps the agency is taking to ensure that the child or nonminor
11 dependent achieves permanence, including maintaining or
12 obtaining permanent connections to caring and committed adults.

13 (B) During the 90-day period prior to the participant attaining
14 18 years of age or older as the state may elect under Section
15 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
16 675(8)(B)(iii)), whether during that period foster care maintenance
17 payments are being made on the child's behalf or the child is
18 receiving benefits or services under Section 477 of the federal
19 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
20 appropriate agency staff or probation officer and other
21 representatives of the participant, as appropriate, shall provide the
22 youth or nonminor with assistance and support in developing the
23 written 90-day transition plan, that is personalized at the direction
24 of the child, information as detailed as the participant elects that
25 shall include, but not be limited to, options regarding housing,
26 health insurance, education, local opportunities for mentors and
27 continuing support services, and workforce supports and
28 employment services, a power of attorney for health care, and
29 information regarding the advance health care directive form.

30 (C) For youth 14 years of age or older, the case plan shall
31 include documentation that a consumer credit report was requested
32 annually from each of the three major credit reporting agencies at
33 no charge to the youth and that any results were provided to the
34 youth. For nonminor dependents, the case plan shall include
35 documentation that the county assisted the nonminor dependent
36 in obtaining his or her reports. The case plan shall include
37 documentation of barriers, if any, to obtaining the credit reports.
38 If the consumer credit report reveals any accounts, the case plan
39 shall detail how the county ensured the youth received assistance

1 with interpreting the credit report and resolving any inaccuracies,
2 including any referrals made for the assistance.

3 (17) For youth 14 years of age or older and nonminor
4 dependents, the case plan shall be developed in consultation with
5 the youth. At the youth's option, the consultation may include up
6 to two members of the case planning team who are chosen by the
7 youth and who are not foster parents of, or caseworkers for, the
8 youth. The ~~child-welfare~~ agency, at any time, may reject an
9 individual selected by the youth to be a member of the case
10 planning team if the agency has good cause to believe that the
11 individual would not act in the youth's best interest. One individual
12 selected by the youth to be a member of the case planning team
13 may be designated to be the youth's adviser and advocate with
14 respect to the application of the reasonable and prudent parent
15 standard to the youth, as necessary.

16 (18) For youth *in foster care* 14 years of age and older and
17 nonminor dependents, the case plan shall include both of the
18 following:

19 (A) A document that describes the youth's rights with respect
20 to education, health, visitation, and court participation, the right
21 to be annually provided with copies of his or her credit reports at
22 no cost while in foster care pursuant to Section 10618.6, and the
23 right to stay safe and avoid exploitation.

24 (B) A signed acknowledgment by the youth that he or she has
25 been provided a copy of the document and that the rights described
26 in the document have been explained to the youth in an
27 age-appropriate manner.

28 (19) The case plan for a child or nonminor dependent who is,
29 or who is at risk of becoming, the victim of commercial sexual
30 exploitation, shall document the services provided to address that
31 issue.

32 (g) If the court finds, after considering the case plan, that
33 unsupervised sibling visitation is appropriate and has been
34 consented to, the court shall order that the child or the child's
35 siblings, the child's current caregiver, and the child's prospective
36 adoptive parents, if applicable, be provided with information
37 necessary to accomplish this visitation. This section does not
38 require or prohibit the social worker's facilitation, transportation,
39 or supervision of visits between the child and his or her siblings.

1 (h) The case plan documentation on sibling placements required
2 under this section shall not require modification of existing case
3 plan forms until the ~~Child Welfare Services Case Management~~
4 ~~System~~ *Child Welfare Services/Case Management System*
5 (CWS/CMS) is implemented on a statewide basis.

6 (i) When a child is 10 years of age or older and has been in
7 out-of-home placement for six months or longer, the case plan
8 shall include an identification of individuals, other than the child's
9 siblings, who are important to the child and actions necessary to
10 maintain the child's relationship with those individuals, provided
11 that those relationships are in the best interest of the child. The
12 social worker or probation officer shall ask every child who is 10
13 years of age or older and who has been in out-of-home placement
14 for six months or longer to identify individuals other than the
15 child's siblings who are important to the child, and may ask any
16 other child to provide that information, as appropriate. The social
17 worker or probation officer shall make efforts to identify other
18 individuals who are important to the child, consistent with the
19 child's best interests.

20 (j) The child's caregiver shall be provided a copy of a plan
21 outlining the child's needs and services. The nonminor dependent's
22 caregiver shall be provided with a copy of the nonminor's TILP.

23 ~~(k) On or before June 30, 2008, the department, in consultation~~
24 ~~with the County Welfare Directors Association of California and~~
25 ~~other advocates, shall develop a comprehensive plan to ensure that~~
26 ~~90 percent of foster children are visited by their caseworkers on a~~
27 ~~monthly basis by October 1, 2011, and that the majority of the~~
28 ~~visits occur in the residence of the child. The plan shall include~~
29 ~~any data reporting requirements necessary to comply with the~~
30 ~~provisions of the federal Child and Family Services Improvement~~
31 ~~Act of 2006 (Public Law 109-288).~~

32 *(k) Each county shall ensure that the total number of visits made*
33 *by caseworkers on a monthly basis to children in foster care during*
34 *a federal fiscal year is not less than 95 percent of the total number*
35 *of those visits that would occur if each child were visited once*
36 *every month while in care and that the majority of the visits occur*
37 *in the residence of the child. The county child welfare and*
38 *probation departments shall comply with data reporting*
39 *requirements that the department deems necessary to comply with*
40 *the federal Child and Family Services Improvement Act of 2006*

(Public Law 109-288) and the federal Child and Family Services Improvement and Innovation Act of 2011 (Public Law 112-34).

SEC. 29. Section 16501.4 is added to the Welfare and Institutions Code, to read:

16501.4. (a) On or before September 30, 2016, county child welfare agencies and probation departments shall develop and implement policies and procedures that require social workers and probation officers to do all of the following:

(1) Identify children receiving child welfare services, including dependents or wards in foster care, nonminor dependents, and youth receiving services pursuant to Section 677 of Title 42 of the United States Code, who are, or are at risk of becoming, victims of commercial sexual exploitation.

(2) Document individuals identified pursuant to paragraph (1) in the Child Welfare Services/Case Management System and any other agency record as determined by the county.

(3) Determine appropriate services for the child or youth identified pursuant to paragraph (1).

(4) Receive relevant training in the identification, documentation, and determination of appropriate services for any child or youth identified in paragraph (1).

(b) ~~On or before July 1, 2016, county~~ County child welfare agencies and probation departments shall develop and implement specific protocols to expeditiously locate any child missing from foster care. ~~These policies shall, at~~ At a minimum, require county social workers and probation officers to ~~these policies shall~~ do all of the following:

(1) Describe the efforts used by county child welfare or probation staff to expeditiously locate any child or nonminor dependent missing from care, including, but not limited to, the timeframe for reporting ~~the youth missing~~, missing youth, the individuals or entities entitled to notice that ~~the~~ a youth is missing, any required initial and ongoing efforts to locate ~~the~~ the youth, and ~~the plan~~ plans to return the youth to placement. ~~County welfare agencies shall also describe how the efforts described in this paragraph will be documented in the Child Welfare Services/Case Management System.~~

(2) *Require the social worker or probation officer to do all of the following:*

(2)

1 (A) Determine the primary factors that contributed to the child
2 or nonminor dependent running away or otherwise being absent
3 from care.

4 ~~(3)~~

5 (B) Respond to factors identified in paragraph (2) in subsequent
6 placements, to the extent possible.

7 ~~(4)~~

8 (C) Determine the child's or nonminor dependent's experiences
9 while absent from care.

10 ~~(5)~~

11 (D) Determine whether the child or nonminor dependent is a
12 possible ~~sex trafficking victim~~. *victim of commercial sexual*
13 *exploitation.*

14 (E) *Document the activities and information described in*
15 *subparagraphs (A) to (D), inclusive, for federal reporting purposes,*
16 *consistent with instructions from the department.*

17 (c) In consultation with stakeholders, including, but not limited
18 to, the County Welfare Directors Association of California, the
19 Chief Probation Officers of California, former foster youth, ~~the~~
20 ~~California Department of Education, the Department of Health~~
21 ~~Care Services, state and local law enforcement, and agencies with~~
22 ~~experience serving children and youth at risk of commercial sexual~~
23 ~~exploitation, and child advocacy organizations,~~ the department
24 shall develop model ~~policies and procedures~~ *policies, procedures,*
25 *and protocols* to assist the counties to comply with this section.
26 *In addition, the department shall consult with the California*
27 *Department of Education, the State Department of Health Care*
28 *Services, state and local law enforcement, and agencies with*
29 *experience serving children and youth at risk of commercial sexual*
30 *exploitation in the development of the model policies and*
31 *procedures described in subdivision (a).*

32 (d) Notwithstanding the Administrative Procedure Act (Chapter
33 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
34 Title 2 of the Government Code), the department may implement
35 this section through all-county letters or similar instructions ~~from~~
36 ~~the director~~ until regulations are adopted.

37 SEC. 30. Section 16501.45 is added to the Welfare and
38 Institutions Code, to read:

39 16501.45. (a) To ensure compliance with federal reporting
40 requirements, including those of Public Law 113-183, the

1 Preventing Sex Trafficking and Strengthening Families Act, the
2 State Department of Social Services shall ensure that the Child
3 Welfare Services/Case Management System is capable of collecting
4 all of the following information:

5 (1) The number of dependent children or wards in foster care
6 who were victims of commercial sexual exploitation before
7 entering foster care.

8 (2) The number of dependent children or wards in foster care
9 who became victims of commercial sexual exploitation while in
10 foster care.

11 (3) The number of dependent children or wards in foster care
12 who go missing, run away, or are otherwise absent from care and
13 were commercially sexually exploited during the time away from
14 placement.

15 (4) The number of dependent children or wards in foster care
16 who are at risk of becoming victims of commercial sexual
17 exploitation.

18 (5) For children in foster care placed in group homes or
19 short-term residential treatment centers, the data identified in
20 Section 679b(a)(7)(A) of Title 42 of the United States Code.

21 (6) Data regarding children and nonminor dependents in foster
22 care who are pregnant or parenting, as required by Section
23 679b(a)(7)(B) of Title 42 of the United States Code.

24 (b) County social workers and probation officers shall collect
25 the data identified in subdivision (a) consistent with data entry
26 instructions provided by the department.

27 (c) Upon the request of the department, a county child welfare
28 agency, county probation department, or entity operating a program
29 pursuant to an agreement with the department under Section
30 10553.1, shall provide additional information or data necessary
31 for the department to comply with federal reporting requirements.

32 SEC. 31. Section 16519.51 is added to the Welfare and
33 Institutions Code, to read:

34 16519.51. Notwithstanding any other law, preapproval training
35 for a resource family applicant and annual training for an approved
36 resource family shall include training on knowledge and skills
37 related to the application of the reasonable and prudent parent
38 standard for the participation of the child in age or developmentally
39 appropriate activities, as set forth in Section 1522.4 of the Health
40 and Safety Code.

1 SEC. 32. Except as required by Section 36 of Article XIII of
2 the California Constitution, no reimbursement is required by this
3 act pursuant to Section 6 of Article XIII B of the California
4 Constitution because this act implements a federal law or regulation
5 and results only in costs mandated by the federal government,
6 within the meaning of Section 17556 of the Government Code.

O